

20TH ANNIVERSARY
ISSUE

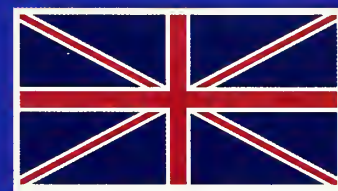
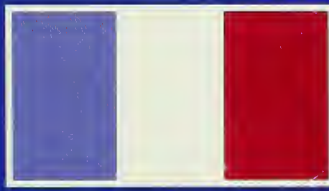
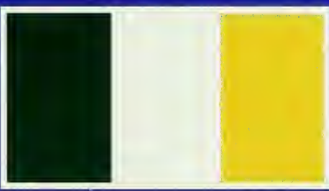
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JURIST



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STATEMENT OF PURPOSE AND POLICY

The *Wake Forest Jurist* is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the *Jurist* seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide a forum for the creative talents of students, faculty and its alumni and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

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Cover: (Top) Flag: United States of America. Source: The Flag Research Center, Winchester, MA. (Bottom) Flags of the 12 countries which comprise the European Community—(left to right) First Row: Belgium, Greece, the Netherlands; Second Row: Denmark, Ireland, Portugal; Third Row: France, Italy, Spain; Fourth Row: Germany, Luxembourg, the United Kingdom. Source: European Community Delegation, Washington, D.C.

DEDICATION



photo by W. A. Bridges, Jr./Atlanta Journal & Constitution

Troops of the 24th Infantry Division disembark from their transport at Hunter Air Force Base—coming home from the Persian Gulf War.

Think, think of the way they went about their mission—with confidence and quiet pride. Think about their sense of duty, about all they taught us, about our values, about ourselves

There is something noble and majestic about the pride, about the patriotism that we feel

So . . . think about the men and women of Desert Storm. Let us honor them with our gratitude. Let us comfort the families of the fallen and remember each precious life lost

In a very real sense, this victory belongs to them, to the privates and the pilots, to the sergeants and the supply officers, to the men and women in the machines, and the men and women who made them work. It belongs to the Regulars, to the Reserves, to the National Guard. This victory belongs to the finest fighting force this Nation has ever known in its history

We're coming home now proud, confident, heads high. There is much that we must do at home and abroad. And we will do it. We are Americans.

President George H. Bush, Address on the End of the Gulf War, March 6, 1991.

DEAN'S COLUMN

Europe 1992

As you may know, over the last 10 years the law school has created an excellent foreign summer program at the Worrell House in London. I have had the great good fortune to teach in that program during two of the last three summers, and on both occasions I have been able to talk with European lawyers about the interesting subject addressed in this issue of the *Jurist*: "Europe 1992."

Like most Americans, I was largely ignorant of what was going on in Europe. Today, I realize that "Europe 1992" is something too important for Americans to ignore.

At the end of World War II Jean Monnet and other visionaries dreamed of a united Europe in which the ancient trade barriers which long had retarded the growth of the region would somehow disappear. The establishment of the European Coal and Steel Community in 1952 and the establishment of the Common Market in 1957 were steps toward realization of that dream. "Europe 1992" is the next step in the process.

It is not simply a question of removing tariff barriers. The basic idea is that Europe should become an integrated economic unit. Companies licensed to do business in one country within the Community should be able to do business in another without further licensure or approval. Economic regulation within a given country should not discriminate against economic actors on the basis of nationality. Within the Community as a whole, certain minimum legal and economic standards should apply.

The basic measures needed to implement this policy have already been taken. The plan will be fully effective in 1992. Hence the name: "Europe 1992."

From a legal point of view, the most interesting part of the plan is the new legal order that will sustain the integrated economic unit. It is an academic question whether law follows trade or trade



H. Miles Foy, III
Associate Dean, Academic Affairs

photo by Everett

follows law, but the two things are closely connected, that much is certain. I doubt that it would be possible to establish an efficient and truly open market without establishing, within the market, a uniform rule of law; and thus the European Community has found it necessary to create various new organizations, the purpose of which is to exercise executive, legislative, and judicial authority within the community as a whole.

The European Commission and the Council of Ministers are two of these. They are headquartered in Brussels. The Commission proposes, and the Council approves, uniform legislation dealing with all of the subjects within the Community's jurisdiction. This legislation has full force and effect within the member countries. It is "hard law."

The European Court of Justice sits in Luxembourg. It is the supreme court of the Community. It hears appeals from the judgments of the courts of the member countries in matters involving Community law. Its decisions are final and binding. Cases are brought to it by private citizens, or by member countries, or by the organs of the Community itself.

The Court of Justice is what intrigues me most. From a lawyer's perspective the judicial power—the power to exercise what Mr. Justice Holmes called the "sovereign prerogative of choice"—is surely the most impressive aspect of sovereignty. The fact that the European

Court of Justice now exercises jurisdiction over cases arising in the Community and the fact that its judgments are final and binding even when they conflict with the judgments of the courts of the member countries demonstrate clearly that these European nations have ceded a portion of their sovereignty to a new government, a government of Europe. A fundamental change has occurred.

Nor is the jurisdiction exercised by the Court of Justice as limited as one might suppose. If Community law deals primarily with commerce, commerce is still a very large slice of life. Mundane and predictable matters are surely covered (pork bellies and widgets, for example). But larger and more subtle matters, such as employment discrimination, are inevitably drawn into the mix. The decisions of the Court of Justice in all of these things are law throughout the Community.

The analogy to our own experience is obvious. We began our national life, 200 years ago, as a collection of separate, occasionally hostile states. Today, 200 years later, as a result of a great war and a gradual expansion of the central government's authority over commerce, our nation is one nation, and we are one people.

The moral of this story is equally obvious. Quite apart from the purely economic consequences of European integration, as significant as they may be, one finds in "Europe 1992" political and legal developments which are enormously encouraging. Unlike the ancient or modern empires, which offer a competing model, the European Community is founded upon the rule of law and the principle of freedom, and the good news is this: these principles seem to be working. It is far too early to predict that the general movement will ultimately overcome the divisive, destructive forces that made Europe the most dangerous place in the world for seven centuries or more. But "Europe 1992" gives all the world reason for hope, or so it seems to me.

EDITOR'S PAGE

The *Jurist* staff dedicates this issue to the men and women of the Persian Gulf War. We want our soldiers to know that we have great respect for them and we are happy they are coming home.

Also, this issue marks the 20th anniversary of the *Jurist*—first published in the spring of 1971. Please read the article about Edwin M. Speas, Jr., a founding *Jurist* editorial board member.

The theme of this issue is "Europe 1992." By December 31, 1992, twelve European countries plan to unite into a single, integrated economic market. As always, the *Jurist* staff tries to provide you with useful, current information. If we are really lucky, we can anticipate your needs and heighten your awareness. That is what we hope to do with this issue.

Please read the feature article for legal and business concerns about the European Community and 1992. Also read the insightful legal article by Professor George K. Walker, "Integration and Disintegration in Europe: Opportunities and Risks."

On a personal note, the *Jurist* staff tries to make each successive issue more professional. When I became editor, I asked Donna Colberg, the departing editor-in-chief, what should I do if no one wanted to work for the *Jurist*. Donna told me not to worry because there is a small core of law students who love journalism. Donna was right. The *Jurist's* editors, writers, and photographers make me feel like I am a part of a marvelous creative process. The hard work of each member contributes to the

overall excellence of the magazine. I hope that for the next 20 years that future editors will have such dedicated staffs. I give special thanks to graduating third-year editorial members: William L. Funderburk, Jr. and Barbara A. Allen. I thank them for their professionalism and dedication.

So . . . now I pass the baton to Aimee N. Richardson, next year's editor-in-chief. I hope that she and all future editors continue the challenge to make the *Jurist* the best alumni magazine in the country.

Patricia A. Everett



photo by Allen

Jurist staff (some of the members) (left to right): Mary F. Balthasar, Dawn E. Hickey, Tamara D. Rorie, Xena (Tamara's seeing-eye dog), Brian K. Flatley, Debbie D. Thompson, Clayton D. Morgan, Gant Redmon, III (top).

FEATURE STORY

Business and Legal Concerns about the European Community and "1992"

Editor's Note: In 1985, twelve European countries set a deadline of December 31, 1992 to eliminate major barriers which historically obstructed the free flow of products, services, people and money among these countries. The term "1992" refers to that deadline. They plan to remove such barriers as immigration controls, and conflicting products standards. Since 1985, the countries have removed hundreds of barriers. By the "1992" deadline, they plan to remove hundreds more. Their primary goal is to create a single, integrated European economic market which is more competitive with the United States and Japan.

BUSINESS

Dr. Charles R. Kennedy, Jr. is an associate professor in the Babcock Graduate School of Management at Wake Forest University. He specializes in International Business. Over the years, Dr. Kennedy has traveled to Europe several times. Last summer, he established the European Business Studies Program in conjunction with Oxford University in Oxford, England.



photo by Sampson

Charles R. Kennedy, Jr.

Since its inception, the European Economic Community (EEC) has not



European Community Delegation, Washington, D.C.

The European Parliament (Parliament) in session. The Parliament has 518 members that meet in Strasbourg, France for one week during each month.

been completely successful in its efforts to move toward full economic integration. The EEC was created by the Treaty of Rome in 1957 to achieve greater economic cooperation and political stability within Western Europe. In the economic sphere, full economic integration has not been fully achieved since many non-tariff barriers to trade remain even though tariffs have been eliminated. In terms of their political objectives, stability has been maintained. Today, the member states call themselves the European Community (EC), with the intention of increasing their political ties even further.

In 1991, 12 European countries are members of the EC. These countries are: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom. Austria and Turkey may be the next countries to enter.

The four institutions which comprise the EC are the European Parliament, European Commission, European Coun-

cil of Ministers, and the European Court of Justice.

Kennedy commented, "Given Europe's poor economic and business performance during the 1970s and 1980s, the EC member states realized that as long as their markets were separate, they could not effectively compete with America and Japan. So, the year 1992 indicates a target date for full economic integration. If 1992 actually takes place as planned, the EC will contain 320 million consumers, making the European market the largest single market in the world. The United States market has 250 million consumers, and Japan has 123 million consumers."

The EC, which had eliminated tariffs between member states, still has a number of non-tariff barriers to trade which prevented full integration between the countries. European business leaders of large multinational companies felt that the only way they could become more competitive was to create a truly single market in Europe. This would give them

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the ability to reduce costs through economies of scale. Because of non-tariff barriers, such as technical regulations, companies had to change products to conform to each local market. The goal of 1992 is to harmonize technical regulations across all EC members, which may allow firms to produce a single product for the entire European market. With product standardization, per unit production costs can be lowered.

The United States has a huge stake in these developments. In 1989, for example, American exports to Europe equalled 24 percent of total merchandise trade for the United States. This means that the EC is a nearly \$90 billion export market for U.S. firms.

Kennedy said, "There is a fear in the United States and also in Japan that EC 1992 will mean the development of a 'fortress Europe,' which means that the Europeans will erect stiffer protection around their Community at the expense of American and Japanese trade. This fear is exaggerated, however.

"European business leaders have pushed for 1992 with the objective of becoming more competitive. They fully realize that they cannot become more competitive by protecting themselves. Given that, 'fortress Europe' will not occur, particularly against U.S. firms. Japanese companies, on the other hand, may have more to fear in this respect."

Kennedy continued, "1992 has also encouraged more foreign companies to invest in Europe. In the past two years, Japanese direct investment in Europe has increased 90 percent per year, whereas U.S. investment has gone up about 25 percent per year. The fear of a 'fortress Europe' policy is part of the motivation for this increased investment, but beyond that, there are also competitive advantages in having a European presence. It allows you to become more cost competitive and you gain marketing expertise and distribution channels."

The Japanese are making their biggest move into the European automobile industry. The Europeans are not as sure that they will be as successful in competing against the Japanese as they have been against the Americans. There is a perception that the Japanese play by

a different set of rules than U.S. firms. If there is any kind of 'fortress Europe,' it will be more targeted at the Japanese than at the Americans. Such fears largely explain the large increases in Japanese direct investment in recent years.

Kennedy said, "The size of U.S. investments in the EC should be noted. In 1989, sales of goods and services by U.S. firms within the EC totaled \$250 billion. The biggest U.S. operation is IBM-Europe, which has over half the installed base in computers in the EC. In fact, there are more IBM employees in Europe than the total number for all Japanese companies. Obviously, the pace of Japanese investment in Europe is also motivated out of a need to catch-up with the Americans.

"It is not clear how EC 1992 will fully emerge. Although economic objectives are more or less agreed upon, certain political goals for the EC are sources of increasing tension among member states. Several EC leaders, led by Jacques Delors, the President of the European Commission, want to move toward a single political union of the member states. The first step to such a political union would be monetary integration, which would mean a central European bank and a common currency. Monetary

integration is key to political integration because it would entail the loss of sovereign control over monetary and possibly fiscal policy in each member state."

Margaret Thatcher, the former prime minister of the United Kingdom, has strongly resisted the idea of monetary integration. Until October 1990, she resisted the idea of allowing the British pound to become part of the Exchange Rate Mechanism (ERM) or "European snake," which is a fixed exchange rate system within the EC. The ERM has been in existence since the late 1970s, and Thatcher feared the loss of sovereign or democratic control over monetary and interest rate policy if Britain joined. In October of last year, however, she reversed her position and the pound is now in the ERM. Why did she change her position before resigning as prime minister a month later?

Kennedy said, "We can talk about the German reunification in this context. When one discusses the current political consequences of historical conflicts in Europe, you are really talking about what happened during World Wars I and II. When the 'Wall' came down in East Berlin and all the dramatic events took place in the Soviet Union and

EUROPEAN COMMUNITY AND THE UNITED STATES, 1988

	<i>Population (millions)</i>	<i>GNP (billions)</i>	<i>Per Capita GNP (\$)</i>
EUROPEAN COMMUNITY (EC)			
Belgium	9.9	147	14,859
Denmark	5.1	104	20,195
France	55.9	933	16,691
Germany, West	61.2	1,218	19,907
Greece	10.0	53	5,255
Ireland	3.5	28	7,797
Italy	57.4	810	14,095
Luxembourg	0.4	7	17,838
Netherlands	14.8	226	15,312
Portugal	10.4	39	3,756
Spain	39.1	338	8,645
United Kingdom	57.1	808	14,152
EC	324.8	4,711	14,498
UNITED STATES	246.3	4,881	19,813

*Source: U.S. Department of State, Bureau of Public Affairs,
Europe 1992: A Business Guide to U.S. Government Resources*

FEATURE STORY

Eastern Europe in late 1989 and 1990, the initial consensus was that these events would slow down the 1992 program. But, the exact opposite happened—they have accelerated integration.

"The British reaction to these events and to the prospect of German reunification was particularly important. The British are very concerned about German domination of the EC. Thatcher became fixated with how Britain could deal with increased German power. Within the British cabinet, the argument was made

anti-European. This development occurred because of her reaction to proposals put forth at the Rome meeting of European heads of state in late October 1990. At this meeting, the French and the Germans still viewed Thatcher as being too difficult and intransigent to deal with concerning issues of monetary integration. Without consulting Thatcher, German Chancellor Kohl and President Mitterrand agreed to a schedule for full monetary integration, including a single currency and European central bank by 1998. Thatcher exploded at this behind-the-back negotiations."

Meanwhile in the United Kingdom, Jeffrey Howe, the deputy prime minister, went before Parliament and made his famous speech that Thatcher is no longer effective because Europeans view her as someone who is too difficult to deal with. The message was that the British had to replace Thatcher so that they could have more influence on the future shape of Europe. The British had to have a prime

minister with whom other people would talk.

John Major was Thatcher's choice, and he won the position of prime minister. His views on these issues are much like Thatcher's. Major does not particularly like monetary union, political union, or a central European bank, but he is more willing to negotiate on these issues.

"As these developments recently indicate, the 1992 program has evolved to mean more than economic integration. Closer political union will also occur. Thatcher, who was the most vocal and strident opponent of closer political union was forced to resign over the issue, and her successor is more inclined to negotiate in order to influence the shape and extent of this union. The momentum behind these events is extremely strong. Most major companies must and are planning for their realization," Kennedy said.



Department of Defense

Margaret Thatcher

Former Prime Minister of the United Kingdom

that to counteract this increased German power the British must become more involved in the Community's affairs on monetary and political issues. This argument convinced Thatcher to change her position. In short, Thatcher believed that the British and the French, together with the others, had enough clout to perhaps control the German ascendancy. If the British stayed out of the ERM, then the Germans could have their own way. From that point forward, Thatcher started to show more compromise on the issue."

Kennedy continued, "It is somewhat ironic that Thatcher gave in to the one issue that she had been so intransigent in October 1990 and then was forced to resign one month later because she was

LAW

David W. Daniel ('85) is an associate in the Raleigh office of Parker, Poe, Adams, and Bernstein. He is a member of the International Law Committee of the North Carolina Bar Association and is also a member of the Research Triangle World Trade Center's International Law Roundtable.



Parker, Poe, Adams, and Bernstein

David W. Daniel

David W. Daniel stated that North Carolina lawyers can offer valuable services to their American clients who are interested in doing business in the European Community (EC). Daniel emphasized that to properly advise their clients, lawyers need to understand the institutions of the EC and how they work.

Under the Treaty of Rome, there are four primary institutions which comprise the government of the EC. These institutions are the European Commission (Commission), the European Council (Council) of Ministers, the European Parliament (Parliament) and the European Court of Justice (Court of Justice).

The Commission is the executive arm of the EC and is responsible for initiating EC policy. It is comprised of 17 members—two members from each of the larger member states (France, Germany, Italy, Spain, and the United Kingdom) and one member from each small member state (Belgium, Denmark, Greece, Ireland, Luxembourg, the Netherlands, and Portugal).

FEATURE STORY



Parker, Poe, Adams, and Bernstein

Lawyers can offer valuable services to their American clients who want to do business in the European Community.

The Council is the legislative branch of the EC and is comprised of 12 members—one from each member state. The Council is the EC's ultimate decision maker and is responsible for coordinating the economic policy of the EC.

The Parliament is the EC's direct link with the citizens of Europe. The Parliament consists of 518 members elected directly by the citizens. Although the Parliament does not have direct legislative powers, it must be consulted on many legislative and budgetary issues.

The Court of Justice is the judicial branch of the EC. It is comprised of 13 judges and six advocate generals appointed by the member states, and has jurisdiction over all matters involving EC law. The Court of Justice is charged with interpreting treaty provisions and EC laws. It also adjudicates disputes between member states and the EC, as well as disputes between individuals, corporations or other entities and the EC.

Daniel commented, "In addition to understanding the institutions of the EC, lawyers and their business clients need to understand how 1992 legislation is adopted and implemented." Under Article 189 of the Treaty of Rome, the Commission and the Council are granted authority to promulgate laws in the form of regulations, directives, decisions, and recommendations and opinions.

Regulations are the highest form of

EC law and are completely binding on all member states. They are self-executing and comparable to federal laws or regulations in the United States in that they require no additional implementing legislation on a national level before becoming effective. Regulations become effective and binding on all member states 20 days after publication in the *Official Journal*, the EC's official daily gazette. The *Official Journal* is available on LEXIS in the Europe library, Eclaw file.

Directives are binding orders which require action by individual member states to achieve a particular result. In issuing directives, the EC specifies the ends but not the means for achieving

those ends. The individual member states are free to implement the directive by statute, ordinance or regulation. The 'EC 1992' program is being gradually implemented by means of a series of 279 directives issued to the member states by the Commission.

Standards are perhaps the most common form of directives. These directives are designed to remove physical, technical and fiscal barriers that have in the past impeded Europe's commerce. Standards are the criteria established by the EC for specific products or services. By setting standards, the EC ensures that products and services can be used interchangeably throughout the EC. For example, by setting technical standards for the television industry, the EC ensures that a television purchased in Greece will operate properly in Luxembourg. Harmonization of standards is a crucial element in the 1992 program of internal market unification within the EC.

In addition to regulations and directives, the EC issues decisions, and opinions and recommendations. **Decisions** are addressed to a specific entity or member state and are comparable to American private laws. They are binding only upon those addressed and are not published in the *Official Journal*. Finally, **Opinions** and **Recommendations** are statements which merely indicate Council or Commission policies and are not binding law.

INFORMATION

Commission of European Communities
2100 M Street N.W.
Suite 707
Washington, D.C. 20037
(202) 862-9500
(EC's main public affairs office in the U.S.)

U.S. Chamber of Commerce
Attn: International Division
1615 H Street, N.W.
Washington, D.C. 20062

N.C. World Trade Center
P.O. Box 13487
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Small Business and Technology
Development Center
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Raleigh, NC 27612
1-800-258-0862
Attn: Annetta Brady

FEATURE STORY

Daniel said, "Europe 1992 presents both great opportunities and great risks for American businesses. Many North Carolina lawyers have clients who could benefit from the opportunities presented by harmonization of the EC internal market, a process scheduled for completion by the end of 1992. Harmonization, while intended to primarily benefit European companies, may ironically benefit American companies in two ways: first, by allowing access to areas traditionally dominated by local European concerns and government monopolies; and second, by creating economies of scale which make the EC commercially viable market for American businesses."

Daniel said, "American lawyers who are not residents of, or licensed in, an EC member state can still offer significant legal services to their clients. Such lawyers can play useful roles as 'issue spotters.' They can alert their clients to certain pitfalls relating to doing business in the EC and by directing them to organizations such as the U.S. Department of Commerce and regional World Trade Centers. These organizations specialize in assisting American businesses in breaking into the export market. International business lawyers in the U.S. are perhaps best positioned to coordinate and administer the work of EC attorneys who are retained on an 'as needed' basis to assist U.S. clients in realizing their business and commercial goals in the European market."

Daniel noted that there are many private and governmental organizations and agencies which specialize in providing information concerning 1992. Regional World Trade Centers, such as the one located in the Research Triangle Park (RTP), are of particular help to American businesses which are interested in breaking into the EC market. In addition to the RTP World Trade Center, there are, or soon will be, World

Trade Centers in Wilmington and Charlotte. North Carolina lawyers and their clients can also get information and assistance from the International Trade Division of the North Carolina Department of Economic and Community Development; from UNC's Small Business and Technology Development Centers; and from many local Chambers of Commerce.

Lawyers can also assist their clients by connecting them with trade organizations and other groups which are presently lobbying in the EC. According to Daniel, the U.S. Chamber of Commerce is very active in promoting trade between the United States and the EC. It has lobbyists in Europe to present the concerns of American business in the

For resource materials, Daniel suggested that lawyers regularly read materials published by the Commission of European Communities such as the *Official Journal*, as well as international legal periodicals and business magazines such as *The Economist*, *Business Week* and the *Financial Times of London*. The *Financial Times of London* is also available on *LEXIS Adpr library*, *Finime file*; *Banking library*, *Finime file*; *Innew library*, *Finime file*; *Nexis library*, *Finime file*.

Additionally, lawyers interested in European affairs should watch "European Journal" which is shown on Mondays at 7:00 a.m. on North Carolina Public Television. Daniel also suggested that lawyers consult general source materials such as Sweet and Maxwell's

Encyclopedia of European Community Law and the *CCH Common Market Law Reporter*.

Daniel said, "American businesses should be concerned since the EC is setting entry and performance standards for what will soon become the world's largest common market. To avoid being closed out of 'fortress Europe' American businesses must take an active and aggressive role in debating and setting these standards."

As for law students, Daniel recommended that they prepare for 1992 and the new global economy by taking international law courses and by increasing their proficiency in foreign languages. In particular, Daniel stated that a working knowledge of German and French will be helpful in transacting business in Europe. "By developing proficiency in either of these languages, a law student can greatly enhance his or her marketability," Daniel said.

By Patricia A. Everett, a third-year student from Ahoskie, NC; and Rita Sampson, a second-year student from Norfolk, VA.



photo by Everett

Ronda L. Killens, a third-year law student who speaks French fluently, hopes to work in the European Community.

context of the 1992 reforms, especially as they regard the setting of product standards. Many American trade groups have retained EC lobbyists to represent their interests. Daniel stated that lobbying for free trade and reasonable standards is vital for all business clients who plan to participate in the export market, particularly in the EC.

LAW SCHOOL NEWS

An Evening with Justice Sandra Day O'Connor



photo by National Geographic

Justice Sandra Day O'Connor

On April 4, 1991, about 900 people went to Greensboro to spend an evening with Sandra Day O'Connor, Associate Justice of the United States Supreme Court. Sponsored by the Women's Professional Forum of Greensboro, the North Carolina Bar Association, and the North Carolina State Bar, the event drew a lawyer-heavy crowd curious to catch a glimpse of a real live Supreme Court Justice. Justice O'Connor gave us more than a glimpse. During the hour before the dinner, Justice O'Connor greeted her audience in the lobby of the Holiday Inn Four Seasons. For those willing to wait in line with other admirers, Justice O'Connor charmed her well-wishers, exchanging pleasantries in her deliberate, Arizona twang.

JoAnn Harlee, a Greensboro lawyer with Smith Helms Mullis & Moore and president of the Women's Professional Forum, presided over the dinner and program. George Mast, president of the North Carolina Bar Association, introduced the head table; and after dinner, Tommy Jarrett, president of the North Carolina State Bar, introduced the notables in the audience. Kay Patseavouras, a member of the Women's Professional Forum, introduced Justice O'Connor in a memorable speech that reminded us of Justice O'Connor's humble beginnings. Born in El Paso, Texas, Sandra Day lived until she was six

years old in a four room adobe without running water and electricity. Her adoring father sent her at the tender age of six to live with her maternal grandmother so Sandra Day could attend school. She excelled in school, and her gifts of character and intellect won recognition for her throughout her academic and professional life.

During Justice O'Connor's speech, we sat at the many tables in the huge hall that held the crowd. From the far corners of the hall, we could barely make out Justice O'Connor at the podium, but the Women's Professional Forum had arranged for giant monitors on either end that gave us all front row seats. No matter where we sat, Justice O'Connor captivated us. In a light-hearted and

informative speech, Justice O'Connor shared with her audience her journey from receiving the phone call from President Reagan through her first several years on the Court. The most spontaneous parts of her remarks came as she described her shock that the President had nominated her. She convinced us that the disbelief carried her through the grueling confirmation hearings, past the ride with President and Mrs. Reagan to the swearing in ceremony, and to the stack of work that greeted her.

Her comments on the process of writing opinions provided still more insights. She enlightened those of us who thought that justices worked rather independently on the various majority, concurring, and dissenting opinions that issue from the Court. Instead, the justices circulate their various opinions over and over again, and the process encourages compromise on the wording of critical passages and collaboration on the thornier problems. As she described the process, she laid the groundwork for the theme that dominated the latter portion of her speech—that each justice is painfully aware of the impact the opinions have on the lives of the people of this Nation. For those of us who agree with most of her positions and for those of us who do not, she impressed us with the heavy burden she and her colleagues feel with the donning of the robe.

By Professor Suzanne Reynolds

Judge Tilley, Gov. Wilder Speak at:

1991 Hooding and Graduation Ceremonies



photo by David Rosen

Judge N. Carlton Tilley, Jr.

Hooding Ceremony

Judge Tilley—Keynote Speaker

On May 19, 1991, Wake Forest University School of Law held its Hooding Ceremony in Wait Chapel. One hundred fifty candidates for the Juris Doctor degree received hoods of purple trim which symbolizes a heavy burden and identifies the level of the degree, the field of learning and the institution which awards it. They would wear their regalia to the university's graduation exercises that were held the next day.

The speaker was N. Carlton Tilley, Jr. ('69) of the United States District Court for the Middle District of North Carolina.

Tilley spoke on the importance of lawyers to society. He said, "More than anywhere, it is in the legislatures, in the

law schools, in the offices of lawyers, and in the courts where this social contract of ours is created and expanded and mended and protected.

"Because of this, each and every one of you who have just been awarded the degree Juris Doctor is, at this moment, poised to make a difference. You are poised to make a difference in how government treats the individual and how citizen treats citizen. You are poised to make a difference in the fundamental recognition of whether society is sufficiently responsive to the needs of its members and, if not, how to pursue orderly change."

Tilley advised the graduates to feel good about themselves, to be fair, to avoid putting themselves on a timetable for success, and to do pro bono work.

Then shifting the theme of his speech, Tilley read from Robert Fulghum's work, 'We Learned it All in Kindergarten.' This work was condensed from an article in the *Kansas City Times*. Tilley read, "Most of what I really need to know about how to live, and what to do, and how to be I learned in kindergarten. Wisdom was not at the top of the graduate-school mountain, but there in the sandbox.

"These are the things I learned: Share everything. Play fair. Don't hit people. Put things back where you found them. Clean up your own mess. Don't take things that aren't yours. Say you're sorry when you hurt somebody. Wash your hands before you eat. Live a balanced life. Learn some and think some, and draw and sing and dance and play and work every day some.

"Take a nap in the afternoon. When you go out into the world, watch for traffic, hold hands and stick together. Be aware of wonder. Remember the little seed in the plastic cup. The roots go down and the plant goes up, and nobody really knows why, but we are all like that.

"Goldfish and hamsters and white mice and even the little seed in the plastic cup—they all die. So do we.

"And then remember the book about Dick and Jane and the first word you learned, the biggest word of all: *look*. Everything you need to know is in there somewhere. The golden rule and love and basic sanitation. Ecology and politics and sane living."

In closing, Tilley read, "Think of what a better world it would be if we all had cookies and milk about three o'clock every afternoon and then lay down with our blankets for a nap. Or if we had a basic policy in our nation and other nations always to put things back where we found them and cleaned up our own messes. And it is still true, no matter how old you are, when you go out into the world, it is best to hold hands and stick together."

Honors

Students who graduated with the distinction of magna cum laude were Jean C. Brooks, John T. Dorsey, and Katherine T. Lange.

Students who graduated cum laude were John H. Bain, Howell A. Burkhalter, Russell W. Chapman, Jr., William M. Conger, Paula L. Durst, Miriam E. Felsenburg, Caroline M. Kelly, John J. Korzen, Steven I. Loew, Ann C. Preuitt, Lynn M. Rowe, and Sharon C. Wilson.

A special award was presented to Denise S. Hartsfield in recognition of her contributions as a student leader.

Dr. Jesse V. Bone, Sr., father of graduate Jesse V. Bone, Jr., delivered the invocation. Dr. Paul J. Craven, Jr., father of graduate Lexie L. Craven, delivered the benediction.

After the Hooding Ceremony, the law graduates marched out and gathered outside of Wait Chapel in the chilly weather and under gray, cloudy skies—to talk with their families and friends, and to pose for photographs.

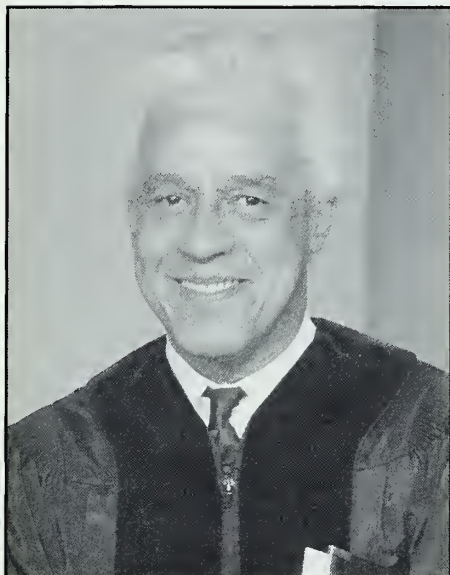


photo by Susan Mullally Clark

Governor L. Douglas Wilder

Graduation Exercises

Gov. Wilder—Keynote Speaker

On May 20, 1991, Wake Forest University held its Graduation Exercises for the undergraduate, graduate, and professional degree candidates. Due to rain, the exercises were held indoors at the Lawrence Joel Veterans Memorial Coliseum. Thomas K. Hearn, Jr., president of Wake Forest University, presided.

“... nothing is more important in life than sharing with family and friends in all that is vast or little”

Lawrence Douglas Wilder, governor of the Commonwealth of Virginia, was the keynote speaker. He received his law degree from Howard University School

of Law. He is the nation's first elected African-American governor.

His speech was entitled “The Stress of Success.” Wilder said, “Today, I’m here to tell you that if you are to be happy and fulfilled for the rest of your lives, you must come to terms with the *stress* of success and develop a personal credo as to just what ‘success’ means to you.” He later said, “Those persons here today who accept the proposition that above all else nothing is more important in life than sharing with family and friends in all that is vast or little; joyous or painful; richer or poorer—in my judgment—can count themselves among the truly fortunate.”

Wilder told the graduates not to be afraid to change careers. He said, “In the not too distant future, although a great many of you will find that your careers are everything you expected, inevitably, quite a few will realize that you’d be happier doing something else. My advice is simple: go for it.”

He told the graduates that if they are going to be working for the next forty years then they should do what they enjoy. He warned them that their career choices might not please parents, friends, or spouses. He said, “While it may be helpful to weigh their advice, ultimately, it’s your life and you have to be the one to decide what’s in your best interests.”

Shifting back to his main theme, Wilder continued, “It’s all too easy to become so wrapped up in trying to scale

the ladder of success or just trying to make ends meet that a person loses perspective on what’s truly important in life.

“Unfortunately, many individuals don’t even realize that their lives have become afflicted by the myopia of materialism nor do they fully recognize the harm that such an obsession can do to their health and to the well-being of their families.”

In closing, Wilder urged the graduates to use both knowledge and character in forging their futures.

Wilder and Congressman Stephen L. Neal each received an honorary Doctor of Laws degree.

Conferring of Juris Doctor Degree

During the Graduation Exercises, Robert K. Walsh, dean of the School of Law, conferred the Juris Doctor degree on the law graduates and then he referred to them as “lawyers.” The law graduates answered with cheers. In the law section, one graduate was heard proudly saying to the person next to her, “Did you hear that! He called us *lawyers*.”

Then the *lawyers* with their families and friends—despite the rain and cold—went to Carswell Hall to get their law degrees and to say their final farewells.

By Rita Sampson, a second-year student from Norfolk, VA.



photo by David Rosen

Barbara A. Allen leads the Class of 1991 into the Hooding Ceremony.

Third-Year Students Share Law School Experiences

Six third-year students tell how they have been challenged and have grown during their three years in law school at Wake Forest. They chose Wake Forest because of its excellent academic reputation. They share their personal experiences in the following profiles.

Tamara Rorie, from Charlotte, NC, was looking for a change from her career in sales and marketing when she considered coming to law school. She realized that she needed a different academic degree to have better career opportunities. Having always been interested in Wake Forest and law school, she decided to leave Charlotte to pursue a legal career.

When she first arrived at Wake Forest, she wanted to concentrate in public interest law. She felt that she had the "mind set" for work in the public sector. Tamara said, "I am interested and I have the ability to work with the public. Specifically, I am interested in working with the economically disadvantaged, and with people who have special needs. I grew up in such environments. I understand and respect such people."

As a 1L, Tamara found the people at Wake Forest to be like those anywhere else in the world—"interested in self-preservation" and "cut throat." She found both good and bad in her colleagues. She said that the faculty was helpful to her.

Tamara is totally blind. She found that very few law materials were available in braille or on tape. It was easier for her to find information and people who could help her at UNC-Chapel Hill, her undergraduate school. Tamara commented, "At Chapel Hill, it was easy to find readers who could assist me because many references were available on any given subject. It did not require the readers to have training to find information and to understand it." But in law school, Tamara learned that if her readers were not law students, she had to teach them legal research and how to use

such specialized books as the student edition of the bankruptcy code.

This summer, Tamara plans to take the North Carolina Bar Examination. Then she will begin a rigorous job hunt. She is still looking into public interest work—but has broadened her interests to domestic law and non-traditional legal work.

Looking back, Tamara believes that law school was probably not that much different from training in other professional schools. Tamara said, "You can learn analytical skills and how to be mentally tough at other professional schools, but without the underlying *hindrances* and baggage that come along with the law school experience."

Tamara believes that law school separates students, most of whom are hardworking and intelligent, into "classes." She also believes that such classes are not truly indicative of most students' intellect or talents.

Tamara thinks that she is too close to the law school experience to evaluate its worth. "Hopefully, a few years from now I'll be able to say it was worth it," Tamara said.

Mark Conger, from Statesville, NC, wanted to earn a law degree so that he could be a corporate lawyer, or establish his own practice and specialize in business. His decision to attend law school at Wake Forest was easy because he was a graduate business student at the university.

Before coming to law school, Mark had studied in the Babcock Graduate School of Management for one year. When he began his law studies, he noticed a striking difference in the law students. He said that his fellow 1Ls "seemed tense and on-guard." Mark became determined to keep his easygoing attitude despite the pressures of law school.

Mark managed to juggle law books

and a fulfilling social life by managing his time effectively. He said that he lived by the philosophy that he should "work hard, play hard."

This philosophy worked well for Mark because during his second year he was invited to join the Law Review. Mark said, "I did not participate in the first year writing competition, so I gambled with my chances to be selected after my first year. I lost. Therefore, being asked to join the Law Review after my second year was truly a windfall."

"Given the opportunity, I was honored to accept. The experience involved a good deal of time and work which I had not planned on for my final year in school. However, I feel my participation on the Review was valuable for me and it greatly enhanced my writing, legal research, and analytic skills."

Mark has no regrets about attending law school. He thinks that most students have calmed down over the four years that he has been here. Mark commented, "I did overcome my initial hesitance to socialize with law students and I have developed some strong personal, and hopefully long-lasting friendships with my fellow classmates."

After passing the North Carolina Bar Examination, Mark will work in the litigation department of a large Winston-Salem firm.

Valerie Quick chose Wake Forest because it would allow her to be near her family in High Point, NC. As a 1L, she found her professors to be "responsive and helpful, but also scary."

Valerie recalled that her first year of law school was two semesters of torture. She said that some of her horror stories included "finding out that I had a professor who was affectionately called 'Mad Dog,' and being required to take *Torts* and not knowing what a 'tort' was."

During her second year, Valerie gave

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birth to a daughter, Alden Janelle. After her daughter's birth, Valerie changed her priorities.

"I lowered law school on my list of priorities. Law school had been third to my sanity and my marriage. My daughter immediately reduced law school to fourth on the list. Being a mother also makes me acutely aware of environmental and drug problems. Also, I am aware of the need to expose her to positive role models and teachers," Valerie said.

Valerie has an interest in sports and entertainment law. Her husband expresses an interest in sports management. Valerie also has a brother-in-law who plays for the Philadelphia Eagles.

school to law school and I still had an undergraduate mentality. Howard and Wake Forest are worlds apart in culture, diversity and setting, but both have high standards of academic excellence. However, having an undergraduate attitude during my first year of law school, my first question on Friday nights was: "Where are the parties?"

"Now I have settled down and realized that law school requires a lifetime commitment. You almost have to look at it as an investment in your future. The only way to get the maximum return on your investment is to study hard and do all that is within your power to be the best that you can be," Grady said.

front of my peers that put me on edge."

As his first-year in law school progressed, Grady stated that he felt very pressured to succeed because of the competitive atmosphere of law school. "I came to the realization that I could not keep up with the Joneses. I just had to do my best and give my all. No one can ask for more," Grady said.

After graduation, Grady first plans to pass the North Carolina Bar Examination. In September, 1991, he will begin work with Poyner and Spruill, a Raleigh firm. He will work in the litigation department.

In closing, Grady said, "I would like to thank my parents, Mr. and Mrs. Grady Crosby, for their support throughout my educational endeavors." And to Wake Forest, Grady said, "Thanks for the memories."

Miki Felsenburg grew up in Denver, CO, but has made her home in Greensboro, NC, since 1975. She chose Wake Forest because she was impressed by the school's emphasis on excellence in teaching, the small student body, and also because she received a scholarship to help with the high tuition cost. Miki is a graduate of Wake Forest's Babcock Graduate School of Management.

She remembers an early encounter with Professor George K. Walker in his *Civil Procedure I* class. Miki said, "He asked me to 'debate' the viability of diversity jurisdiction. But he actually turned my presentation into a 'moot court-type' questioning session. I was totally unprepared for him to interrupt with question after question. I still remember how great I felt when the similarly surprised members of my 1L class burst into applause when I was done."

When Miki first began law school she did not have the slightest idea of what area of law she would pursue. But she knew that she wanted to continue her liberal values. Miki stated that she never really outgrew the "sixties flower-child" type mentality.

Her first impression of Carswell Hall, the present home of the law school, was that it was cramped and physically uncomfortable. But she found her classes



photo by Dennis Quick

Graduation Day (left to right): Miki Felsenburg, Tim Graber, Tamara Rorie, Grady Crosby, Mark Conger, and Valerie Quick.

Grady Leander Crosby had been in Washington, D.C. for 4 years and was ready to return home to Winston-Salem, NC, for law school.

Grady came to Wake Forest with plans of pursuing corporate law. But he found corporate law "mundane and boring." Grady prefers the excitement of litigation. He said, "The thrill of the adversarial setting is one lawyer pitted against another. This fulfills the competitive drive which is a part of my nature."

Wake Forest's law school impressed Grady initially as a mere extension of his undergraduate school, Howard University.

"I came directly from undergraduate

As evidence of Grady's maturity and the end of his partying days, Grady married Cassandra Monique Revel in September, 1990.

Looking back on his first year, Grady remembers being called on by Professor Rhoda B. Billings in her *Civil Procedure I* class. He had to stand up and answer her questions. Although in his college days he had been a tough football player, Grady said, "My knees were shaking, my voice was trembling and my palms were sweating—but I answered her questions. I don't know why first-year students are so nervous when they are called on in class. I knew the assignment and the answers to the questions, but I guess it was the fear of being in the spotlight in

to be mentally exhilarating. Despite the many areas she has studied, law was the most difficult and complex—but the most challenging.

This is Miki's third career. Prior to coming to law school she was in public relations and later in general management with Western Electric (now AT&T) for 13 years. Then she did freelance photography, some business consulting in public relations, and graphics for a variety of private clients.

After passing the Bar Examination, Miki will work for Elliot and Pishko in Winston-Salem. As a new associate, she will represent plaintiffs in a variety of cases, including such areas as domestic and business law.

Looking back on her three years at Wake Forest, Miki said, "The law school has vindicated my interest in having excellent teachers." With very limited exceptions, Miki feels the quality of instruction at Wake Forest law school is the best that she has ever encountered.

As a new lawyer, she feels well-prepared for the "real world." Although she looks forward to her law career, Miki admits that she is "scared to death, but eager to practice law."

Tim Graber is from Orchard Park, NY. He chose Wake Forest because he wanted to attend a law school that emphasized trial advocacy. Even before entering law school, Tim knew that he wanted to be a litigator.

Tim remembers his first writing assignment. Tim said, "My first memo was five pages long. It involved a product liability suit. We had to discuss the issues of privity of contract and product liability. In writing and re-writing the memo I learned a great deal about preparing legal memorandums."

Tim also recalls his first-year Moot Court competition. He commented, "I worked very hard on my first-year Moot Court brief. It took many hours before things fell into place. I was elated when I got an invitation to join Moot Court."

By Aimee Richardson, a second-year student from Fort Myers, FL.

Professor Hugh W. Divine Retires

No more winding through crowded halls listening to law students boisterously lament and love their classes. No more patiently explaining a basic legal concept for the umpteenth time, to an umpteenth new student. No more quietly encouraging a law class that they too will understand some subtle and intellectually evasive legal concept—but only with time and persistence. No more . . . for May 6, 1991 marked the last day of Professor Hugh W. Divine's 37-year career as a law professor.

Divine was born in 1909. He is from Albany, GA where his father was a machinist, and his mother a homemaker. He has two brothers, one a lawyer and the other a machinist.

Divine began teaching in 1933 and has been a high school teacher and a coach in Georgia. He also has taught at Georgia Tech.

In 1950, Divine graduated from law school. He recalls that as a law student at Emory he found his courses intriguing. He said, "Everything about law was exciting to me. It was due in part to the teaching, but also because it was a very interesting subject."

In 1954, Divine began his career as a law professor at Wake Forest College. He taught *Contracts* and *Constitutional Law*. He said, "The old campus was in Wake Forest which is a city near Raleigh, North Carolina. I was at the old campus for two years before we came over here in 1956."

Divine said, "This university was being built for over two years. The 'quad' was all finished when we got here. And everybody was excited about

it too. When we came over here all of this was brand new. As a matter of fact, the carpenters were still probably driving nails into these walls. Not all the buildings that are here today, but the core buildings like the law school and all of the buildings on the 'quad'—like Reynolda Hall."

In 1979, Divine became Professor Emeritus of Law at Wake Forest University School of Law. He loved teaching law. He said, "A good teacher is somebody who is interested in and able to allow the student to see how much is involved in the course. A teacher cannot just describe the course in words, but has to teach it in case after

case. The teacher has to be very desirous that the students will get it in time."

He continued, "I taught a long time and I enjoyed all of it. I never did get tired of teaching. I never

did get tired of working with law students. They are just interesting. Most of them are motivated enough to make them very interesting to work with."

During his career as a law professor, Divine also taught *Jurisprudence*, *Constitutional Law*, *Conflict of Laws*, *Remedies*, and *Criminal Law*. In addition to his undergraduate and law degrees, Divine received an M.A. in English from Louisiana State in 1941, and an S.J.D. from Michigan in 1959.

After retiring, Divine will remain in Winston-Salem.

By Patricia A. Everett, a third-year student from Ahoskie, NC.



Hugh W. Divine

photo by Everett

Judge Johnson Speaks on the History of African-American Attorneys

On February 22, 1991, the Black Law Student Association (BLSA) held its annual scholarship banquet at the Benson Center. The theme of the banquet was "Winds Beneath My Wings." The Honorable Norma H. Johnson delivered the keynote address. She spoke about the history and contributions of African-American attorneys.

Johnson has been a judge in the U.S. District Court for the District of Columbia since 1980. She is a graduate of Miners Teachers College, a predecessor institution of the University of the District of Columbia; and of Georgetown University Law Center. She was also a founding member of both the National Association of Black Women Attorneys and of the National Association of Women Judges.

Johnson told the audience about African-American attorneys who made important contributions to American society. She spoke of Macon B. Allen, the first African-American attorney who was admitted to the bar in 1844 in the state of Maine. In the 1850s, John Mercer Langston became a member in Ohio; Robert Morse was admitted to the bar in Massachusetts; and Garrison Draper was admitted to the Maryland Bar. Jonathan Wright was said to have become a member of the Pennsylvania Bar either in the late 1850s or early 1860s.

After the Civil War, Wright was elected to the South Carolina Senate and became an associate justice of the South Carolina



photo by Liverman

BLSA Banquet: Judge Norma H. Johnson (right) and Clayton D. Morgan, a law and business student.

Supreme Court. In 1869, Langston became the first dean of the Howard University School of Law.

Charlotte T. Ray was the first African-American woman attorney. She was admitted to the District of Columbia Bar in 1872. Ray was also the first woman to be admitted to the bar of the District of Columbia.

In 1910, there were only two African-American women attorneys in the United States—today, there are several thousand.

Johnson then began to recount the

events leading to the integration of the public schools. She applauded the efforts of Charles H. Houston, a Harvard Law graduate and the first African-American on the Harvard Law Review. Houston helped to implement a strategy to overrule *Plessy v. Ferguson*. Houston recruited Thurgood Marshall, one of his Howard University law students, to aid him in this endeavor. Marshall eventually became the chief counsel for the National Association for the Advancement of Colored People (NAACP) and later became the first African-American to sit on the United States Supreme Court.

Johnson said, "This rich heritage is the wind beneath your wings."

Later during the banquet, Professors Luellen Curry, Hazel Mack, and Sterling Spainhour were honored for the support and inspiration they have given to their students.

The banquet was dedicated to Kathy S. Williams, a U.S. Army reservist, whose third-year of law school was interrupted when her unit was activated to serve in Operation Desert Shield in the Persian Gulf.

The banquet ended with a solo of "Wind Beneath my Wings," sung by Valerie Quick. She was accompanied by Tianna Hinnant on piano, and Doug Armstrong on saxophone.

By Karen E. Eady, a second-year student from Chesapeake, VA.

Wake Forest Hosts Mediation Training Seminar



Ralph A. Peeples

On January 12, 1991, Professor Ralph A. Peeples, who teaches *Dispute Resolution* at Wake Forest University School of Law, helped teach mediation skills to 21 people at the Benson Center. The principal mediation instructors were Barbara Davis of the Mediation Center in Asheville; Greg Squires of the Neighborhood Justice Center in Winston-Salem; and Andy Sachs of the Orange County Dispute Settlement

Center in Durham. The participants included law students, lawyers, and law school faculty.

During the first half of the day, the instructors explained various mediation techniques. They also used role-playing to show the correct and incorrect techniques. During the latter half, the participants took turns playing the role of mediator or disputant in several simulated exercises, while being observed

and critiqued by the instructors. By the end of the day, each participant had several opportunities to practice his or her newly-found skills as a mediator.

Peebles said, "Learning about mediation is valuable even if you never mediate a single dispute. Becoming a better listener is hard work, and that's what mediation is all about. Learning to distinguish between *interests*—what a

party really wants, and *positions*—what a party says he or she wants is a very useful skill. An agreement that the parties craft themselves often has a greater chance of being followed than a 'solution' imposed by a judge or jury. That's what mediation can offer."

The training session at Wake Forest was the first of three sessions offered to law students in North Carolina. These

sessions are part of a cooperative effort between the Mediation Network of North Carolina and Duke, Wake Forest, and UNC-Chapel Hill. Given the success of the training sessions at the three law schools, Peebles hopes that mediation training will become an annual event.

Peebles also teaches *Business Organizations*, *Corporate Finance*, and *Debtor-Creditor Law*.

Jessup Team Invited to International Competition



photo by Hickey

Jessup team (left to right): Sara Kay Sledge, Lexie Craven, Mark Gillings, Susan Evans, Alice Keith, and Professor George K. Walker (seated).

The Philip C. Jessup International Moot Court Competition (Jessup) focuses on current international issues. The Moot Court Board accepts applications for the Jessup team in April of each year. Students who are selected for the team take the *International Law* course during the fall semester.

Wake Forest's current Jessup team consists of Lexie Craven, Susan Evans, Mark Gilling, Alice Keith, and Sara Kay Sledge. Craven is the team captain. Professor George K. Walker is the faculty advisor.

On February 1, 1991, the Wake Forest team went to the Marshall-Wythe School of Law at the College of William and Mary in Williamsburg, VA, to participate in the Southeastern regional competition. The team finished first in the competition and also won third place for

its brief. Individual honors were awarded to two members of the team. Evans won second place, and Keith won fourth place in the oralist category.

"This year's problem mimics the situation between the United States and Japan in the automobile industry," said Craven. The problem concerned trade imbalances between two fictional countries. Both countries are contracting parties to the General Agreement on Tariffs and Trade (GATT) which governs the dispute. The dispute was submitted to the International Court of Justice.

In total, 11 law schools sent teams to the regional competition. Participants included Duke University, the University of North Carolina, the University of Virginia, Washington & Lee University, the Salmon P. Chase School of Law, the University of South Carolina, West

Virginia University, and Campbell University.

Following their success in the regional competition, Wake Forest's Jessup team was invited to participate in the International Competition, held in Washington, D.C. in April, 1991.

A total of 46 law schools were represented at the International Competition. Fourteen teams were from the United States and the other teams were from foreign countries.

Wake Forest competed against teams from Boston College, New Zealand, the Philippines, and India. Among the other countries represented were Mexico, Costa Rica, Singapore, Germany, Turkey, Japan, and Singapore.

Craven said that international problems are difficult to research. The case law precedent is of less value in resolving an international issue because it only binds the countries in that dispute. The Wake Forest team depended on authorities such as treaties and United Nations documents, textbooks and commentaries. According to Craven, the efforts of Professor Walker to maintain an ample supply of international resources in the library as well as his efforts to locate sources for the team are invaluable.

Professor Walker said that the Jessup team did a very good job with a difficult problem. "They took a complicated problem and brought it down to a manageable size," Walker said.

By Dawn E. Hickey, a first-year student from Alexandria, VA.

International Law Society Sponsors Human Rights Symposium

On March 28, 1991, the International Law Society sponsored a symposium on "Human Rights in the World." The speakers were Professor Nadine Strossen of New York Law School; Professor Horace B. Robertson, Jr., of Duke University School of Law; and James E. Ferguson, II, of Ferguson, Stein, Watt, Wallas, Adkins & Gresham, P.A.

Strossen discussed the violations of human rights in China. She has extensive

engagement" advocates continued relations with China to bring about change. Strossen urged a change in this philosophy or at the very least, an awareness that serious human rights violations continue unchecked in China.

Next, Robertson spoke on the historical background of modern warfare, and its regulation beginning with the Hague Peace Conferences after World War II. He stated that there are some

out that though change in South Africa appears to be forthcoming, black South Africans still do not have the right to vote and they are still subject to arrest and detention at any time. Also, thousands of others are tortured and imprisoned by the South African government for no reason other than they differ.

Ferguson stated that in 1986 resistance to apartheid reached its zenith and a



photo by Balthasar

Nadine Strossen

experience in civil liberties and international human rights. She is currently the National General Counsel of the American Civil Liberties Union (ACLU). She said, "The first casualty of the Gulf War was China's human rights." The trial of the pro-democracy demonstrators escaped world notice because of the Gulf Crisis. She stated that as a result of China's support of the U.S., "remaining economic sanctions were lifted despite the deteriorating human rights situation."

She added that thousands of Chinese continue to be detained, some are summarily executed, and free speech has been severely restrained.

Strossen alleged that the Bush administration's policy of "constructive

universal principles of warfare aimed at protecting human rights. Certain methods of warfare, such as biological warfare, have been outlawed by international conventions.

Robertson spoke about the Gulf War and the international law violations committed. He indicated that there might be an obligation to bring violators of international law, such as Saddam Hussein, to trial to answer for their crimes. Robertson said, "There were crimes committed against peace, against humanity, and crimes of war that Hussein must answer before an international forum."

Ferguson concluded the symposium with a discussion of human rights violations in South Africa. He pointed



photo by Balthasar

Horace B. Robertson, Jr.

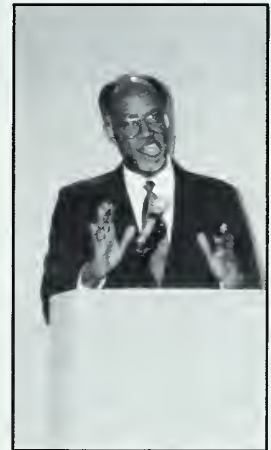


photo by Balthasar

James E. Ferguson, II

state of emergency was declared. He said that "because of universal censorship, the government was forced to announce that it would abandon apartheid."

Ferguson stated that apartheid will probably continue for many years. He said, "The Bush administration has failed to speak out effectively against violence and the government's role in the violence in South Africa." He added that "sanctions need to be stronger in order for human rights violations to be curtailed."

By Elizabeth Dranttel, a third-year student from Churchton, MD.

Trial Team Advances to National Competition

The Wake Forest National Trial Team advanced to the quarterfinal round of the Texas Young Trial Lawyers' National Trial Competition. Wake Forest's national trial team currently ranks among the top eight teams in the country—out of 220 teams.

The Wake Forest members are Rick Bradley, Denise Hartsfield, Neil Kotsi, Jeff Lisson and Kim Stevenson.

During January 31-February 3, 1991, Wake Forest hosted the regional competition held at the Hall of Justice in downtown Winston-Salem. It sent two teams to the regional competition. Both teams advanced to



photo by David Rosen

(Left to right): Rick Bradley, Kim Stevenson, Professor Carol B. Anderson, and Jeff Lisson.

the regional elimination rounds. The Bradley, Lisson and Stevenson team won the regional competition, then they advanced to compete in the national

competition held in Houston, TX, on March 21-23, 1991. In Houston, they advanced to the quarterfinal round before losing.

Professor Carol Anderson coached the teams through months of preparation. The team members practiced on Saturdays for nine hours per practice round. On Sundays, they practiced four hours.

Local attorneys and students assisted the teams by volunteering as judges and witnesses in mock practice trials.

By Karen E. Eady, a second-year student from Chesapeake, VA.

Law Review Hosts Environmental Business Law Symposium

The Wake Forest Law Review hosted its fifth annual business law symposium at Graylyn Conference Center on April 5, 1991. The symposium, entitled "Environmental Law and the Corporate Entity," addressed issues in the rapidly changing field of environmental law.

The panel included speakers from a major corporation, the Environmental Protection Agency (EPA), prominent law firms, and law professors. The topics discussed included the Valdez Principles, the scope of limited liability in environmental law, and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

E. Donald Elliott, Assistant Administrator and General Counsel of the U.S. Environmental Protection Agency, stated that a new style of thinking is needed to address the problems of environmental law. Elliott pointed out that the common law was "reactive" in dealing with problems of property destruction and

trespass, but current jurisprudence takes an "activist" approach by seeking prospectively to eliminate environmental destruction by preventing it.

Dale Oesterle, a Cornell law professor, argued that CERCLA might do more harm than good. In his view, CERCLA requires corporations to clean up pollution at their own expense; but a corporation could declare bankruptcy and allow the government to clean up the mess at the expense of taxpayers.

George Spindler, General Counsel and Vice President of Amoco Corporation, stated that new environmental standards such as the Valdez Principles accomplish little more than existing statutes.

James W. Moorman, a partner with Cadwalader, Wickersham & Taft, urged that corporations should periodically undergo a phase of self-examination. An "environmental assessment could save a corporation billions of dollars in litigation and cleanup fees by examining areas

in which the company is not complying with environmental regulation," Moorman said. The EPA conducts periodic audits of businesses to ensure compliance with regulations. Moorman stated that by regularly examining its behavior, a corporation can avoid disaster.

Other speakers included: George Dent—Professor of Law at Case Western Reserve University Law School, Richard Epling—a partner with the law firm of Sidley & Austin in New York, Merritt Fox—Professor of Law at the University of Michigan Law School, and Nill Toulme—a partner in the Atlanta law firm of Alston & Bird.

By Brian Flatley, a third-year student from Boston, MA.

Covington and Wright Honored with Teaching Award

On April 6, 1991, Professor I. Boyce (Butch) Covington and Professor Ronald Wright were honored at the Barristers' Ball when they received the "Jurist Excellence in Teaching Award." Every year third-year students vote for the professor they believe best exemplifies excellence in teaching. This was the first time in the history of the award that two professors have tied in the voting.

Covington said, "It is quite an honor and one I'll always be proud to have been recognized by the very people who mean so much to me, you the students." In October, 1990, Covington was also recognized with the 'Joseph Branch Excellence In Teaching Award' at the annual Partners' Banquet. Covington is the only professor to have won both awards in the same academic year.

Wright stated that he views teaching as a cooperative effort. He said, "The best courses I've taught are the ones where I learn from the students just as they learn from me and from each other." Wright began teaching at Wake Forest in 1988, the same year the class of '91 entered as first-year students. He said that like the "3Ls", he has learned much over the past three years.

Following the awards presentations, Dean Robert K. Walsh introduced the keynote speaker of the evening, George B. Mast ('60), president of the North Carolina Bar Association (NCBA). Mast was installed as the president at

the NCBA's annual meeting last June.

Indeed, Mast vowed "to make the 1990s a decade of giving." He urged the graduating students to take their jobs seriously regardless of the amount of pay or the size of the cities in which they practice. He also encouraged them to take their pro bono obligation seriously as they go forth to make their way in the profession. "Wake Forest lawyers have a rich tradition of public service," Mast said. He urged the audience to continue the tradition.

After Mast's speech, Associate Dean James Taylor, Jr. presented him with the "Distinguished Alumni Award for Service to the Profession."

Over 300 people attended the annual Barristers' Ball which was held at the Stouffers Plaza in Winston-Salem. The revelers were treated to cocktails, dinner, and the sounds of "Power Play." The Barristers' Ball is the event which concludes Wake Forest's celebration of Law Day.

Law Day was first proclaimed by President Dwight D. Eisenhower in 1958 in order to recognize the contribution of Americans to the ideal of the rule of law and to honor the constitutional roots of American law. This year marked the 39th consecutive year that Wake Forest has celebrated Law Day.

By William L. Funderburk, Jr., a third-year student from Greensboro, NC.

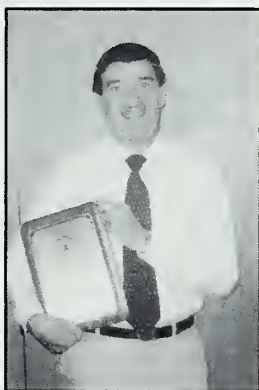


photo by Everett

I. Boyce Covington

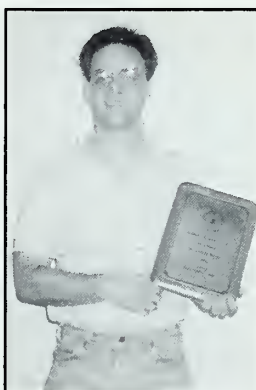


photo by Everett

Ronald Wright

Solicitor General Visits Law School



photo by Allen

Kenneth W. Starr

On January 29, 1991, Solicitor General Kenneth W. Starr spoke on the role of the solicitor general in the federal government. Starr's lecture was part of the law school's Constitutional Law Lecture Series.

Starr received his law degree from Duke University in 1973. Starr described himself as a "refugee from graduate school" when he enrolled at Duke after earning a master's from Brown University in 1969. Following law school, Starr clerked with Chief Justice Warren Burger and with Court of Appeals Judge David Dyer.

Before his appointment as solicitor general in 1990, Starr served on the U.S. Court of Appeals for the District of Columbia for six years. He also was counsel to former Attorney General William French Smith from 1981-1983. Starr was a partner with the firm of Gibson, Dunn & Crutcher in Los Angeles and Washington, D.C.

In his speech, Starr explained why he chose to leave the judicial bench. He acknowledged that many of his contemporaries were surprised that he left a position with life tenure—to return to the "other side." Starr said he saw a great opportunity to influence the develop-

ment of the law in the position of solicitor general—an opportunity he could not let slip away.

The solicitor general represents the United States government in cases before the Supreme Court. His office also decides whether the United States should appeal in all cases it loses before lower courts. The position could be regarded as the second highest in the Department of Justice after the attorney general. The attorney general has a cabinet level position as head of the Department of Justice and is the chief law enforcement officer of the federal government.

According to Starr, the Supreme Court reviews only 130-150 cases a year, approximately 3 percent of the cases for which review is sought. However, the

solicitor general's office gets Supreme Court review in 80 percent of its cases. Starr attributed this success rate to the thoroughness with which the solicitor general's office evaluates cases before seeking review.

Starr talked about several recent cases he has argued. In *United States v. Eichman*, 110 S. Ct. 2404 (1990), the challenge to the federal Flag Protection Act, Starr argued that the Act was constitutional. He said he realized he was in serious trouble when Justice Kennedy leaned forward and asked him whether pictures of Eastern Europeans protesting and burning flags constituted political expression. Starr lost that case.

Another important function of the solicitor general's office is to appear as

amicus curiae before the Court. In *Cruzan v. Director, Missouri Dept. of Health*, 110 S. Ct. 2841 (1990), a case involving the right to die, Starr appeared as amicus curiae. He said the issue was very important to the government because both Veterans Administration and military hospitals confront the "right to die" issue. The Supreme Court adopted Starr's position that doctors should have the authority "to pull the plug" only when there is "clear and convincing evidence of the person's desire not to be maintained by artificial means."

By William L. Funderburk, Jr., a third-year student from Greensboro, NC.

Taylor Named President of FCBA



James Taylor, Jr.

On July 1, 1991, James Taylor, Jr., associate dean, external affairs, began his term as president of the Forsyth County Bar Association (FCBA). He has been a member of FCBA since 1983 and has served as vice president. The FCBA is a voluntary association with over 650 members. It is the third largest legal organization in North Carolina.

Dean Taylor said, "There is a close and necessary partnership between Wake Forest and the Forsyth County Bar Association. This mutually beneficial relationship is manifested in many ways." One of these ways is the FCBA's clinic committee that helps in identifying new supervising lawyers for the law school's *Clinic Program*. Also,

the spouses in the auxiliary of the FCBA raise money for law school scholarships. The law school, in turn, makes available its law library for use by Forsyth's practicing attorneys.

As president, Taylor will continue to emphasize professionalism, and a solid commitment to pro bono work. In its complete sense, Taylor views professionalism as "a commitment to excellence, characterized by the knowledgeable, prompt, self-disciplined performance of duty, done not in isolation, but in furtherance of the profession's larger purpose."

The FCBA meets once a month for a luncheon and a program. In addition to enhancing the camaraderie of the members, these programs are designed to enhance the competence and professionalism of the members. New members of the local bar are welcomed to the practice at an annual reception sponsored by the FCBA. The FCBA also meets once a year with the county's medical association for a program of joint professional interest.

By Aimee Richardson, a second-year student from Fort Myers, FL.

Russo Wins 1991 Zeliff Competition

Each year, the Student Trial Bar sponsors the Zeliff Competition. The competition is named for Cynthia J. Zeliff, a 1973 Wake Forest law school graduate who was killed in an accident several years ago. Neil Kodosi is president of the Student Trial Bar, and Erika Copen is vice president. Copen wrote the problem and was also in charge of the competition.

Thirty-five second-year and third-year students participated in the competition. The top 16 students were invited to join the Student Trial Bar and also participated in the elimination rounds from which Beverly Bertram and Michael Russo emerged as the finalists.

Before declaring Russo the winner of the Zeliff competition, Judge William Wood, Jr. of the Forsyth County Superior Court, told the finalists that they both were impressive in their preparation and presentation.

Russo, a third-year student from Buffalo, NY, received a \$500 award for winning the competition. Bertram, a third-year student from Charlotte, NC, won \$250 for placing second in this competition.

By Aimee Richardson, a second-year student from Fort Myers, FL.

ALUMNI NEWS

Jurist Celebrates 20th Anniversary

As the *Jurist* celebrates its 20th anniversary, it is only proper to reflect on those who started the alumni magazine. The late J. Reid Potter was the first editor-in-chief of the *Jurist*, and the first issue was distributed in the Spring of 1971.

Edwin M. Speas, Jr., the first business manager, comments on the ideas and innovations of Potter. Speas states, "The whole thing was Potter's idea. He felt that it would be valuable to have a means of communication between the law school and the alumni."

Speas adds, "The *Jurist* served to keep the alumni up-to-date with the faculty, students, and the law school." And that it did! The first issue contained intriguing articles on such legal issues as North Carolina obscenity cases, sufficiency of civil procedure complaints, and the constitutionality of out-of-court photographic line-ups. Socially, that issue also informed the alumni of the whereabouts of former classmates.

The *Jurist* started out with a modest number of members. They were: Neil C. Batelli, John P. Simpson, Jim R. Funderburk, Carolyn Burnette, Gary Triggs, John G. Morgan, William T. Biggers, Kenneth W. Honeycutt, Cynthia J. Zelif, Henry D. Froneberger, Jr., and of course, J. Reid Potter and Edwin M. Speas, Jr. Today, the *Jurist* has 25 members.

Speas states that the first issue was well received, and that the administration was very supportive of the idea, the cost, and getting people interested. Speas savors, "I am just pleased to have been in on the beginning of something that has proved valuable and prospered for

twenty years."

Speas has been employed with the Attorney General's office for 20 years.

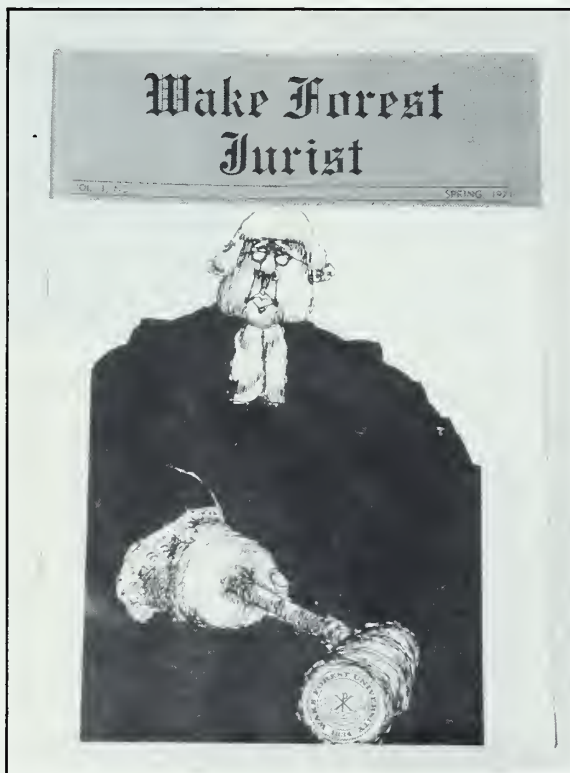


photo by Allen

First issue of the Jurist, Spring, 1971

He resides in Raleigh with his wife, Debra. He has two children, Edwin Speas, III, a sophomore at Wake Forest, and Cynthia Stewart, a senior at UNC-Chapel Hill.

For the 1991-1992 academic year, the *Jurist* editorial board members will be Aimee N. Richardson, editor-in-chief; Rita M. Sampson, executive editor; Karen E. Eady and Debbie D. Thompson, law school news co-editors; Mary F. Balthasar, photography editor; and Dawn E. Hickey, alumni news editor.

Students who are interested in joining the staff should contact any of the editorial board members. Students can

also attend the staff meeting which will be held during the early weeks of the 1991 fall semester. All students are welcome and they can participate as much or as little as their schedules permit.

The *Jurist* is an important source for the recent history of the law school. At the end of each semester, the magazine is distributed to thousands of the law school's students, staff, alumni and friends, and also to all other law schools in the United States.

Patricia A. Everett, the departing editor-in-chief, said, "I am confident that the new editorial board members will produce excellent work. Over the past academic year, they were hard-working, intelligent, creative, and dependable.

"They have told me that although the staff has increased over the years, they still want more students to join the *Jurist*—particularly first-year students. They need writers, photographers, proofreaders and whatever journalistic talents that students can bring. Interested students do not need a journalism background to join. The editorial board members will gladly help them.

"The next 20 years will be exciting if each successive staff shares its collective talents with the *Jurist*. This is what happened during the past 20 years, and I am confident that will continue in the future," Everett said.

By Debbie Thompson, a second-year student from Burlington, NC.

Solo Practitioner Specializes in Immigration Law

Anna Engelhard Caldwell ('85) was born in Flensburg, Germany, and speaks German fluently. She came to America in 1978 with her husband, settling in Marin County, a suburb of San Francisco. In 1980, she and her husband moved to North Carolina so that they could be closer to his parents.

Since her graduation from Wake Forest, Caldwell has maintained a law office in Winston-Salem, NC. She specializes in immigration law and is a member of the American Immigration Lawyers Association. Caldwell defines immigration law as "law designed to assist clients who come to the United States wanting to live, attend school or work in this country."

Over the years, her practice has developed from a single focus on immigration law to include auto accident torts, social security disability, contracts, and collections law. She plans to keep customs law within her practice.

Some of the international law clients are private individuals, but the majority are business clients. For individuals, Caldwell might perform such services as locating a foreign inheritance, contacting foreign courts, or translating legal documents. For her corporate clients, she represents foreign businessmen and women who own businesses in North Carolina, or who operate local subsidiaries of foreign companies. The bulk of these clients are German or Austrian.

Caldwell vividly recalls her legal training in Germany and in America. She spent five years studying law at the University of Heidelberg, Germany's oldest university. After her studies, she had to take and pass a demanding two week examination. Next, she interned



photo by Morgan

Anna Engelhard Caldwell

for two years in the German courts working with judges and district attorneys. Following that, she worked for six months in a law firm.

Despite all of this rigorous training, Caldwell still had to take a second set of examinations. She passed both the required written and oral portions. During the oral examination, she had to examine an actual client file and answer questions posed to her by a panel of three judges. After this second set of examinations, she was licensed to practice law in Germany.

Caldwell then came to America. Before she could practice law in the United States, she was required to attend an American law school and pass a state bar examination. She chose Wake Forest School of Law because of its geographic location and proximity to her home in Charlotte, NC. But she only had to attend Wake Forest for two years, instead of the required three years, because of her legal training in Germany.

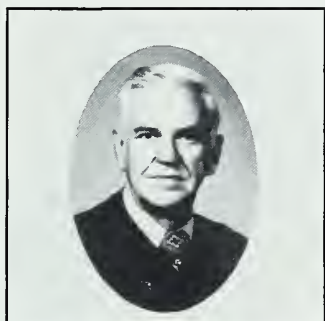
After graduating from Wake Forest,

Caldwell knew that she wanted to practice international law. She remembers the excellent advice she received from Leon H. Corbett, Jr., who was an associate dean at the law school when Caldwell was a student. He advised her to explore the immigration law area because there was a need for this type of law practice in Winston-Salem. Caldwell took his advice.

When Caldwell began her law practice in 1986, only the larger firms handled immigration law cases. She opened an office because it allowed her to develop a clearly focused practice. Her operations are highly computerized. Although her practice is small, she offers her clients personal attention and specialized knowledge.

By Clayton D. Morgan, a fourth-year J.D./M.B.A. student from Greensboro, NC.

IN MEMORIAM



N.C. Department of Cultural Resources

Joseph Branch

On February 18, 1991, Joseph Branch died at the age of 75. He was a former Chief Justice of the North Carolina Supreme Court.

Branch, from Enfield, NC, graduated from Wake Forest University School of Law in 1938. He served in the North Carolina legislature from 1947 to 1953. He was also a legislative counsel for former governors Dan K. Moore and Luther Hodges.

He became an associate justice on the North Carolina Supreme Court in 1966. In 1979, he replaced Chief Justice Susie Sharp upon her retirement. He

held this position until 1986.

Branch was both a member of the Board of Visitors of Wake Forest University School of Law and a past chairman of the Board of Trustees of the Wake Forest University.

James Taylor, Jr., the law school's associate dean, external affairs said, "Justice Branch was a giant among men in every respect—gentle but strong, dedicated to his family, his church, his university, and the profession he loved and served so faithfully and well. He will be sorely missed by all of us."

IN MEMORIAM



James Earl Ezzell, Jr.

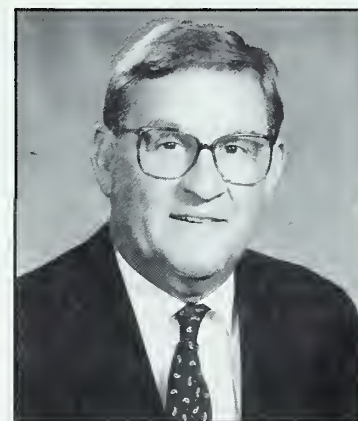
On January 30, 1991, James Earl Ezzell, Jr., a state senator, died in an automobile accident in Raleigh, NC. He was 54 years old.

Ezzell was a native of Rocky Mount, NC. In 1963, he graduated from the Wake Forest University School of Law. He served in the North Carolina House

of Representatives from 1977 to 1980 and was a district judge from 1980 to 1983.

In 1984, Ezzell was elected to the North Carolina Senate and he represented the 10th District which includes Nash County, and parts of Edgecombe, Halifax, Warren, and Wilson Counties.

Mast Reflects on Term as NCBA President



George B. Mast

George B. Mast ('60) began his term as president of the North Carolina Bar Association (NCBA) 12 months ago. His term will end in June, 1991. The NCBA is the largest voluntary legal association in North Carolina. Mast is a partner in the law firm of Mast, Morris, Schulz & Mast which is located in Smithfield, NC.

When Mast became president, he identified three goals for the NCBA. First, he was concerned about the status of women in the legal profession. So, the NCBA commissioned a task force to study the impact of the legal profession on women, and to study how to improve the status of women once they have entered the profession. "Presently, that program is in full force and recommendations are forthcoming on how women can become more readily accepted in the field of law," Mast stated.

Second, the NCBA focused on quality of life issues facing attorneys, and ways to improve the quality of life. The NCBA wanted to determine the major causes of stress for attorneys. As a result, a survey was conducted and the results are currently being tabulated.

Third, legal professionalism concerned

ALUMNI NEWS

Mast. He views the role of NCBA as trying to encourage professionalism among attorneys. He also wants to improve the image of attorneys in the courtroom, boardroom, and in client relations. The NCBA encourages attorneys to become more professional by actively participating in Continuing Legal Education courses and local bar programs, and also to conduct themselves ethically in their law practices.

Mast said he has received considerable support and cooperation in his efforts to achieve the three goals and also in his general duties as president. Currently, the NCBA has approximately 10,000 members. Of that number, about 3,000 members are actively involved in various committees. "One of the most rewarding opportunities is seeing the many people who are volunteering their time to improve their profession," Mast said. He points to two inspiring examples of attorney service to their communities. "In Charlotte, attorneys pitch in on a

continuous basis to contribute their services to the city's Habitat for Humanity project. In Greensboro, local attorneys volunteer one to two hours a week to read to local school children. These are just two examples out of many where our state's ambitious and distinguished attorneys are giving the legal profession the fine name it so rightly deserves," Mast stated.

In June, 1991, Professor Rhoda Billings ('66) will succeed Mast as president of the NCBA. She is a Wake Forest law professor. Mast stated, "She has the ability, intelligence, and foresight to take the NCBA forward well into the 1990s. It is good to have someone from the academic world who can lead us forward. She was chosen because she has paid her dues in the legal profession. She has been the chief justice of the North Carolina Supreme Court, a distinguished professor, and a dedicated attorney."

As Mast looks toward the future, he wants to return full time to his practice of

law and working closely with the law school at Wake Forest. Mast said, "My firm's practice focuses on remedying the wrongs which have beset numerous disadvantaged people. I am looking forward to working with the young lawyers of this state, and trying to sincerely improve the legal profession through a sundry of voluntary efforts. I plan to continue serving on the Board of Trustees at Wake Forest University School of Law, devote more time to my family, and serve my law school alma mater as best I can."

"The 1970s and 1980s were the decades of 'taking' but due to the commitment of attorneys to provide quality service to its people, I see the 1990s as the decade of 'giving' by our state's attorneys," Mast said.

By Clayton D. Morgan, a fourth-year J.D./M.B.A. student from Greensboro, NC.

WAKE FOREST UNIVERSITY SCHOOL OF LAW

Continuing Legal Education 1991 Fall Schedule

11th Annual Review—12.0 MCLE Hrs. (2 EC)

September 13-14—Raleigh (Live), McKimmon Center
October 11-12—Asheville (Live), Grove Park Inn
November 1-2—Charlotte (Live), Holiday Inn Woodlawn
November 22-23—Winston-Salem (Live), Benton Convention Center
December 12-13—Murphy (Video), Tri-County Community College

Family Law—12.0 MCLE Hrs. (9 PS, 2 EC)

August 22-23—Raleigh (Live), Mission Valley Inn
September 5-6—Winston-Salem (Video), Holiday Inn North
October 4-5—Morehead City (Video), Carteret Community College
November 7-8—Asheville (Video), Grove Park Inn

General Practice—12.0 MCLE Hrs. (9 PS, 2 EC)

September 26-27—Raleigh (Live), McKimmon Center
October 17-18—Greenville (Video), Holiday Inn
November 14-15—Asheville (Video), Grove Park Inn
December 5-6—Winston-Salem (Video), Holiday Inn North

Practical Legal Ethics—6.0 MCLE Hrs. (4 PS)

October 25—Durham (Live), Washington Duke Inn
November 8—Winston-Salem (Video), Holiday Inn North
December 6—Asheville (Video), AB Technical College
December 13—Charlotte (Video), Radisson Hotel

Personnel Law Symposium—12.0 MCLE Hrs.

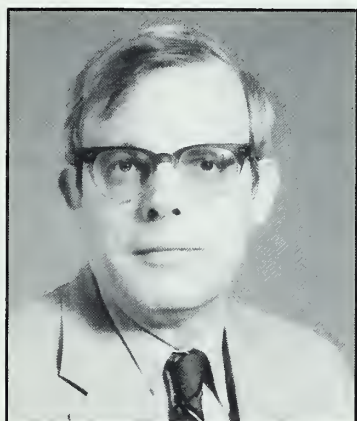
October 24-25—Washington, D.C. (Live), Wyndham Bristol Hotel
December 5-6—Atlanta, GA (Live), Swissotel
January 16-17, 1992—Lake Buena Vista, FL (Live), Grosvenor Resort

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LEGAL ARTICLE

Integration and Disintegration in Europe: Opportunities and Risks

George K. Walker *



George K. Walker

The year 1992, when the U.S. Bill of Rights begins its third century, may prove critical for both public and private orderings due to at least three major trends. Next year is the target for further European integration under European Community (EC or the Community) auspices. The disintegration of the Soviet bloc, signalled by the fall of the Berlin Wall in 1989, has continued, and may forecast the collapse of the USSR itself.¹ The Arab world, so long ensconced in the unity of the Arab League,² and lubricated by world demand for oil, now seems on the verge of major realignments.³ Although relatively quiet on the international plane, other regions such as Africa, with its rash of civil wars and the running sore of apartheid; Latin America, cursed by poverty and the drug lords; the rest of Asia, beset by governmental overthrows and internal discontent, as in China, could erupt too. Even Australia has its economic problems.

This essay will attempt to analyze, in general terms, two aspects of this rapidly-shifting drama: the integration of Europe under Community leadership and the collapse of the Soviet system. Although these changes might seem less than relevant to U.S. interests, and therefore to U.S. practitioners, the reverse is true.

Part I of this essay is a comparative

study of the European Community system and the world's first great customs union, the United States. Part II gives an overview of the now largely defunct Soviet bloc system and the legal problems that the breakup may pose for U.S. lawyers and their clients.

I. The World's Second Great Customs Union

The ongoing process of merger among the nations of Western Europe under the leadership of the European Community since World War II has precedents that stretch from the Middle Ages through the last century. Great Britain, formally known as the United Kingdom, has four components: England (itself once divided among various Saxon kings), Wales, Scotland and Northern Ireland. Continental European nations have had similar experiences: Spain, liberated from the Moors and consolidated by Ferdinand and Isabella, who sponsored Christopher Columbus; France; the Netherlands; Switzerland; and, in the Nineteenth Century, Germany and Italy. The separation factors continue today, as current events in Yugoslavia and the Soviet Union attest. That phenomenon is addressed in Part II.

A similar process occurred in the United States. The Articles of Confederation, which carried the Nation through the Revolutionary War, gave way to the Constitution of 1789,⁴ soon augmented by the Bill of Rights (1791) and, later, the important Civil War Amendments (XIII, XIV, XV), which imposed civil rights on the States of the Union, in large part through the Fourteenth Amendment's due process and equal protection clauses.⁵ The remainder of the Western Hemisphere has seen more or less successful attempts at mergers of various sorts, ranging from brief bilateral confederations (e.g. Bolivia-Peru, early in the Nineteenth Century), though the Central American Federation of the early Twentieth Century, to current trends,

e.g. the Andean Code, the Central American Common Market, and the 1987 Canada - U.S. free trade agreement.⁶ Separatist tendencies are also a Western Hemisphere theme as well, e.g. Canada and Quebec.

Thus the integration of Europe through the EC can be seen as part of a larger, worldwide movement toward commonality, albeit with countertrends toward separatism among nations, within the borders of individual countries, and occasional assertions of national supremacy in the decisions of national courts and other agencies.

A. Historical Prologue⁷

Although many trace the development of the Common Market to thinkers and planners of post-World War II Europe, the seeds of the concept developed during the war. Winston Churchill proposed a common nationality among the French and the British just before the fall of France in 1941,⁸ and the U.K.-U.S. Atlantic Charter declaration of August 14, 1941 included as its fourth point furtherance "by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity; subject to existing obligations." The Charter's fifth point noted the nations' "desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security."⁹ The Charter, still in force, was accepted in principle by many future EC members in the 1942 Declaration by the United Nations, a wartime alliance for the defeat of Nazi Germany.¹⁰ The name and many of the concepts carried over into the present United Nations Charter.

After the war Churchill suggested a "United States of Europe," with beginnings in a partnership between France and Germany and a Council of Europe.¹¹

In 1948, as part of the Marshall Plan for reconstruction of Europe, the Organization of European Economic Co-Operation, since 1961 the Organization for Economic Co-operation and Development, of which the United States is a party, was established.¹² The Council of Europe was formalized in 1949.¹³ The next year Robert Schuman, Foreign Minister of France, proposed that French and German coal and steel production, a cause of two world wars, be placed under a High Authority. In 1951 the European Coal and Steel Community (ECSC) treaty, setting the pattern for agreements to follow, was signed by Belgium, France, the Federal Republic of Germany (FRG), Italy, Luxembourg and the Netherlands.¹⁴

Other aspects of supranational law followed contemporaneous parallel paths. The European Convention for the Protection of Human Rights and Fundamental Freedoms entered into force in 1953;¹⁵ numerous protocols amplifying its protections and procedures have followed. This regional treaty among many nations now members of the EC antedated all worldwide agreements except the Genocide Convention by more than a decade.¹⁶ Although ideas for a European Defense Community and a European Political Community foundered, the North Atlantic Treaty Organization (NATO), which included Canada and the United States and eventually many EC members plus some non-members (e.g. Turkey), supplied the defense gap.¹⁷

Economic integration continued with the Treaties of Rome in 1957 which created the European Economic Community and the European Atomic Energy Community (EURATOM),¹⁸ with a structural organization roughly parallel to the ECSC. Eight years later, the Merger Treaty¹⁹ folded the ECSC and EURATOM into the EC with a single structure of organizations. In 1972 the Treaty of Brussels added Denmark, Ireland, and the United Kingdom to the EC. In 1975 Greece was admitted to EC membership, and in 1986 Portugal and Spain became members.²⁰

B. Community Structure

When the broad aspects of the U.S. Constitution and its amendments are compared with this network of inter-

national agreements with their Venn diagram potential for parties outside Europe (e.g. the United States and Canada in the case of NATO), there emerges a rough, very rough, parallel to the Constitution with the exception of full political union and the power to tax. In some respects the similarities between the still-developing European model and the U.S. Constitution, its implementing legislation and court decisions are striking; in other situations the two systems diverge sharply. There is not yet a "United States of Europe," as urged by Churchill 45 years ago, but the potential for such is greater today than ever before.

There are four primary institutions in the Community: the European Parliament, the Council, the Commission, and the Court of Justice.

1. The European Parliament

Originally styled the Assembly, the European Parliament's 518 members have been elected to five-year terms by popular vote from among the 12 EC members' citizenry since 1979. The treaties establish the number of representatives from each EC nation; seating is by multinational political group. Although Parliament now participates in the budget process, it cannot legislate or raise taxes. In that regard Parliament approximates the functions of the U.N. General Assembly, whose powers are largely recommendatory.²¹

2. The Council

The Council has a representative from each of the 12 member nations; its primary function is ensuring coordination of the general economic policies of EC members. The Council and the Commission, discussed in Part I.B.3 *infra*, can make "decisions" - i.e. rules of law binding on EC nations. In that regard the Council is like the U.N. Security Council, except that there is no veto,²² and the Commission as the administrative arm of the EC must initiate draft decisions. Council decisions must fall within the competence of the EC, and any amendment of a proposed Commission decision must be approved unanimously. The Council also coordinates overall economic courses of action by statements of policy and, since 1986, has

endeavored to state a European foreign policy.²³

3. The Commission

The 17-member Commission is the administrative arm of the EC and therefore the moving force behind the Community's activities. It is the Commission and its staff that send proposals for decisions to the Council, decides matters on its own initiative, administers finances, negotiates treaties, and generally represents the EC within and without the Community. Its Community law enforcement powers, both against member states for nonfulfilment of obligations and against other entities, e.g. businesses, are its primary interface with the private practitioner. The Commission may also issue nonbinding recommendations and opinions.

4. The Court of Justice

The 13-judge Court of Justice has original, administrative review, and appellate jurisdiction. Member nations can sue other member nations for failure to fulfil EC obligations; they can also bring actions against the Council or the Commission, or against the Parliament. Similarly, the Council, Commission or the Parliament can sue other Community institutions. Most importantly, however, the Commission can bring a proceeding against a member nation for failure to fulfil a Community obligation. And unlike the International Court of Justice, which hears only claims by nations or certain agencies and organs of the U.N.,²⁴ the Court of Justice can entertain suits by individuals or companies against the Council, the Commission, or other Community institutions, or suits to get a preliminary ruling on an EC issue, by request of the national court in which the individual or company is litigating. EC civil servants can also bring claims in the Court of Justice.

Since 1989, pursuant to the Single European Act, a 12-judge Court of First Instance, i.e. an EC trial-level court, has been available to hear claims by individuals or companies involving certain Community issues, and disputes involving EC civil servants. Appeal lies in the Court of Justice.

Except for suits brought by a member nation or an EC institution, or when asked to give a preliminary ruling, the

Court of Justice sits in panels. The Court of First Instance always sits in panels.

C. The Substance of Community Law

The international agreements establishing the EC run to hundreds of articles, and over three decades of practice have developed thousands of Council and Commission decisions, as well as volumes of cases in the Court of Justice and in the national courts of member nations. Only the general parameters of Community law can be sketched here. For further reference, consult the secondary sources cited above, each of which has copious bibliographies.²⁵

The principal purpose of the EC has been creation of a common internal market among its member nations.

To accomplish this goal, the treaties have provided for free movement of goods through elimination of customs duties and measures that have the equivalent effect on intra-Community imports and exports, with adoption of a common customs tariff for third countries, *i.e.* nations outside the EC such as the United States. The customs union became fully effective July 1, 1986, 18 months ahead of schedule. In this regard the Community mirrors the U.S. Constitution and judicial interpretation of the dormant Commerce Clause.²⁶ The EC recognizes exceptions similar to the legitimate local public interest exception to the free flow of interstate commerce within the United States.²⁷

Second, the Treaty of Rome provides for free movement of workers and those providing services. EC countries' nationals may now hold European Passports. Again, interpretations of the U.S. Constitution on interstate travel and the right to engage in commerce supply useful parallels.²⁸ The EC also recognizes the "freedom of establishment," *i.e.* the right to set up businesses across borders, similar to the right of out-of-state businesses to enter another of the United States, subject to registration and similar requirements.²⁹

Third, the Community treaties also provide for free movement of capital, and free movement of payments insofar as these are connected with free movement of goods, services and capital.

To achieve these ends, the EC has developed, or is developing, common policies for agricultural products, fishery

products, transportation and free competition. The most recent development has been passage of a new banking law, with a view to further strengthened economic and monetary coordination in stages.³⁰ In 1985 the Commission's *White Paper* laid down a program and timetable for a completed Internal Market by 1992.³¹ Besides these more recent developments, articles 85-89 of the Treaty of Rome, similar in content to the U.S. antitrust laws,³² have been a longstanding contrast to the pre-World War II cartel policies of some European nations.³³ Historians have listed anticompetitive policies as one of the causes of World War II.³³

D. The Supremacy of Community Law

EC law operates under principles similar to that of the Supremacy Clause of the U.S. Constitution.³⁵ In the *Simmenthal* case, the Court of Justice held that national courts had a duty to apply provisions of Community law and to refuse to apply conflicting national laws.³⁶ As Lord Denning expressed it in an opinion criticized in some respects,³⁷

The first and fundamental point is that the Treaty concerns only those matters which have a European element, that is to say, matters which affect people or property in the nine [now 12] countries of the Common Market besides ourselves. The Treaty does not touch any of the matters which concern solely the mainland of England and the People in it. These are still governed by English law. They are not affected by the Treaty. But when we come to matters with a European element, the Treaty is like an incoming tide. It flows into the estuaries and up the rivers. It cannot be held back. Parliament has decreed that the Treaty is henceforward to be part of our law. It is equal in force to any statute. The governing provision is Section 2(1) of the European Community Act, 1972. . . .

The statute is expressed in forthright terms which are absolute and all-embracing. Any rights or obligations created by the Treaty are to be given legal effect in England without more ado. Any remedies or procedures provided by the Treaty

are to be made available here without being open to question. In future, in transactions which cross the frontiers, we must no longer speak or think of English law as something on its own. We must speak and think of Community law, of Community rights and obligations, and we must give effect to them. This means a great effort for the lawyers. We have to learn a new system. The Treaty, with the regulations and directives, covers many volumes. The case law is contained in hundreds of reported cases both in the European Court of Justice and in the national courts of the Nine [now 12]. Many must be studied before the right result can be reached. We must get down to it.³⁸

Justice Van Devanter spoke as eloquently on the impact of the Constitution's Supremacy Clause in the context of the primacy of the Federal Employers' Liability Act in the State courts:

The suggestion that the act of Congress is not in harmony with the policy of the State, and therefore that the courts of the state are free to decline jurisdiction, is quite inadmissible, because it presupposes what in legal contemplation does not exist. When Congress, in the exertion of the power confided to it by the Constitution adopted that act, it spoke for all the people and all the states, and thereby established a policy for all. That policy is as much the policy of Connecticut as if the act had emanated from its own legislature, and should be respected accordingly in the courts of the state.³⁹

Thus although the European Parliament has neither the power to tax or to legislate,⁴⁰ the Commission, the Council and Court of Justice are developing a considerable body of law for an economic union that exceeds the United States in population and Gross Domestic Product.⁴¹ The problem is more acute for U.S. interests, in terms of international business relationships, because of the possibility of extraterritorial application of EC law,⁴² and because of the risk of conflicting standards between U.S. law (primarily federal) and that of EC member nations.⁴³

E. Human Rights and Civil Rights

Although the business aspects of Community law have held the spotlight for many in America, there has been a parallel development in the human rights movement in Europe, roughly analogous to the development of civil rights through primarily federal legislation in the United States.⁴⁴ Along with the European Convention on Human Rights,⁴⁵ the Community institutions have promoted an "emerging European constitution."⁴⁶ For example, the EC Court of Justice has ruled in favor of equal pay for equal work, *i.e.* that female flight attendants were entitled to the same salary as male flight attendants; the decision was based on Article 119 of the Treaty of Rome.⁴⁷

F. Summary

The Churchillian view of a United States of Europe, at least in the sense of the U.S. Constitution and implementing federal legislation, has yet to be realized. At present there is polycentricity as to powers of governance and protection of some rights. NATO, which provides for a "common defence" analogous to the philosophy of the U.S. Constitution,⁴⁸ includes non-European members (Canada, in part Turkey and the United States) and European countries that are not EC partners (*e.g.* Norway, which rejected Community membership). Indeed, Article 224 of the Treaty of Rome only provides for consultation in time of war to preserve the Common Market. Not all EC members are parties to the European human rights convention, and not all parties to the convention have accepted all protocols appurtenant to it. Significant amounts of national legislation (*e.g.* criminal law, family law) are not subject to EC supremacy principles. Thus the European Community and allied aspects of union - *e.g.* common defense, human rights, the power to tax - have not nearly achieved the integration seen in the United States under the Constitution.

Nevertheless, today's EC is the framework for a more unified Europe than the near ruin of a continent in 1945 at the end of World War II. The legal aspects of that process are ongoing,⁴⁹ and lawyers in the United States must "get down to it"⁵⁰ and study Community law to better serve their clients. The United States is already party to numerous agreements

with the EC concerning trade, agricultural products, fisheries and atomic energy.⁵¹ American lawyers will undoubtedly feel the impact of Community law when their clients decide to establish European subsidiaries, sell goods in Europe, or buy European goods. Even litigators will have EC legal problems; for example, a European plaintiff might get a default judgment after asserting jurisdiction on a basis not recognized under U.S. law,⁵² domesticate it in another EC nation under the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters,⁵³ which operates like full faith and credit principles within the United States,⁵⁴ and then "export" the judgment for enforcement in the United States. The United States has no treaty to cover the situation,⁵⁵ and less than half the States have variants of the Uniform Foreign Money-Judgments Recognition Act.⁵⁶

For many States, exports to the EC represent a high percentage of total exports. For example, North Carolina exported \$8 billion in 1990; imports to the State were \$7.5 billion. Of the \$8 billion, \$2.6 billion went to the Community (double the 1987 figure of \$1.3 billion), \$1.6 billion to Canada, and \$1.2 billion to Japan. The State's export growth rate in 1990 was 21.9 percent, compared with a national rate of 8.3 percent. These figures demonstrate that many States, hitherto thought confined to the internal U.S. market, now have many exports destined abroad, with a major part headed for the EC. Moreover, the nature of the goods shipped - manufactured tobacco products, industrial machinery and equipment, and agricultural products, to name the top three for North Carolina for 1990 - invoke the certainty of the application of EC law and therefore the need for such States' practitioners to be conversant with that law.

Thus Europe has discovered (or perhaps rediscovered) what has been the cornerstone of the United States constitutional system: "Law is to do what blood and iron have for centuries failed to do [in Europe]. For only unity based on a freely-taken decision can be expected to last; unity founded on the fundamental values such as freedom and equality, and protected and translated into reality by

law."⁵⁷ One might compare Professors Meador's and Semonche's statements that law is the civic religion of America.⁵⁸ And, before we smugly cast stones at Europeans for arriving so late, we might remember that Americans are never 100 percent in attendance at religious observances, civil or otherwise. There is much to "get down to" in this nation too.

II. Disintegration in the East?

Although the primary focus has been on the possible breakup of the Soviet Union, there have been separatist movements in Eastern European nations with current or former communist governments. The most egregious case has been Yugoslavia, a federation of six republics and two autonomous provinces, some of which enjoyed a sort of independence (*e.g.* Serbia) before the World War I settlement that lumped them into Yugoslavia. Other countries experiencing divisions include Albania, Czechoslovakia, Romania, and the Baltic states of Estonia, Latvia and Lithuania, now claimed by the USSR as constituent republics of the Soviet Union, whose Russian minorities fear national independence.⁵⁹ (Eastern Europe has no monopoly on separatist trends; Canada, Iraq, Tibet and African nations have had similar recent experiences.) Germany is now one, with the merger treaty⁶⁰ that folded the German Democratic Republic (GDR, or East Germany) into the FRG, and the end of the Allied occupation of Berlin.⁶¹

Will the transition be as easy, legally as well as politically and socially, if separate nations evolve in Eastern Europe or elsewhere? This Spring the USSR and its former bloc dissolved military aspects of the Warsaw Pact,⁶² the equivalent of NATO, and the Council for Mutual Economic Assistance (CMEA, or COMECON),⁶³ the Soviet bloc response to Western European integration. This use of treaties to untie previous agreements represents the hope for transitions in accordance with international law,⁶⁴ but will the trend continue? The EC has been proceeding with agreements with former Soviet bloc nations,⁶⁵ an indication that the Community is betting on a law-oriented transition.

A. Recognition Problems

Thus far the world community, in-

cluding the United States, has recognized the new governments of the former Soviet satellites as the legitimate governments of their countries. If the succeeding government is not recognized by the United States, it cannot assert rights to government assets in the courts of the United States.⁶⁶ However, certain private rights may be asserted.⁶⁷ To allow an unrecognized government to sue in the courts would be tantamount to recognition by the judiciary, a function reserved by the Constitution to the executive.⁶⁸ The situation in Eastern Europe has not changed to the point where the recognition issue, and resulting problems for civil litigation and antecedent business relationships, might arise. Iran's present government is not recognized by the United States,⁶⁹ and similar problems may be in store for Iraq. These principles have obvious implications for U.S. lawyers.

B. Moving Borders Around and Independence: Problems Involving the Soviet Republics and Yugoslavia

Another aspect of the change in Eastern Europe is the problem of border adjustments and proclamations of independence. While the Polish border with Germany has been validated, dissolution of Yugoslavia into separate nations, the breakup of the Soviet Union into different countries, or even the loss of some of them - e.g. the Baltic states - or the reunion of Soviet Moldavia with Romania raise issues of the scope of existing treaty law between the United States and Yugoslavia and the USSR. This is particularly important, given the USSR's insistence on the primacy of treaties.⁷⁰ A look at the law of international agreements and how those rules may be affected by territorial changes or succeeding states is therefore appropriate.

1. Territorial Scope of Agreements

The basic, common-sense rule is that a treaty applies to all of a nation's territory unless the treaty states otherwise.⁷¹ A recent example is the inapplicability of the NATO Treaty to the 1980-88 Tanker War in the Persian Gulf. NATO members would have been required to respond only if attack had occurred in Europe, North America or Turkey, including the North Atlantic area and islands north of

the Tropic of Cancer or the Mediterranean Sea, or if ships or aircraft under a member's jurisdiction were attacked.⁷² Thus the NATO members' contribution to freedom of navigation claims in the Tanker War was on the basis of comity, or perhaps self-interest, and not treaty obligation.⁷³ By contrast, if Iraq had attacked Turkey during the 1991 Gulf War, NATO would have been activated.⁷⁴

An important implied exception is the agreement that is obviously intended for application in a certain area.⁷⁵ Examples include the European Community agreements or the European human rights convention, which do not apply directly to other nations, or terms within a treaty of general application, e.g. the U.N. Convention on the Law of the Sea, where provisions applicable to warship passage in the territorial sea obviously have no relevance to high seas transit. These treaties' terms might be said to be declaratory of custom, however.

Another common problem is the relationship of treaty rights, either by devolution upon independence of former colonies, or absorption or division of nations. The fluid situation in Eastern Europe may involve application of these principles in the near future. The Eastern European and other arenas may experience claims of "unequal treaties" - i.e. repudiation of international agreements that unduly burden new states, if such be declared in the future⁷⁶ - and the related and equally unsettled problem - of the relationship of the right of self-determination⁷⁷ to treaty viability. Although the issues of unequal treaties and self-determination may be root causes for attempts to undercut existing treaty regimes, we will assume that a new state has emerged, e.g. among the former Soviet satellites; that frontiers have been adjusted, e.g. in the case of Romania and Moldavia; or that states have merged (the FRG and the GDR); or that states have separated (the Baltic republics and perhaps others, from the USSR) politically. What do established norms say about these circumstances?

2. Definition of a State in International Law

Under international law, a state is an entity (1) that has a defined territory (2) and a permanent population, (3) under control of its own government, and (4)

that engages in, or has the capacity to engage in foreign relations with other entities⁷⁸ (i.e. other states or international organizations). This four-part test for recognizing a state is different from the principles for recognizing governments.⁷⁹ Governments may come and go, as in recent cases of the satellites, but no one would deny that the state (i.e. nation) of, e.g. Czechoslovakia remained as a state.

3. Succeeding States

Although several doctrines have emerged with respect to successor states' treaty obligations, one positive rule is that the successor is bound by its predecessor's territorial treaties.⁸⁰ Thus if there are agreements among Eastern European nations as to postwar boundaries, e.g. the treaty for the Polish border, these will remain in effect if some satellites proclaim themselves as succeeding states. In some instances the prior state may agree with the succeeding state on continuation of treaties in "devolution agreements," and this is a factor for continuing viability of a treaty regime.⁸¹ This occurred among former British colonies in Africa. Absent a devolution agreement, a succeeding state may declare unilaterally what conventions are in force, in which case a collateral agreement will usually be required to formalize the new state's regime. A new nation may also state a provisional application of the treaty network, to be followed by a unilateral declaration (the Nyerere doctrine), or it may declare that the entire treaty regime⁸² of the predecessor is voided (the "clean slate" doctrine).⁸³

4. Movement of the Frontier

In this situation, an area not presently a state picks up the treaty regime of the absorbing state. The former sovereign's treaties lapse for the new regime.⁸⁴ Thus if Moldavia were transferred to Romania by the USSR, Romania's treaties would apply to the territory, and those of the Soviet Union would no longer be effective for former Soviet Moldavia.

5. Separating States

The treaty regime of the prior state would apply if nations divide, unless a separating state would choose to be treated as a newly independent state, or

unless a treaty's purpose would be defeated by the separation.⁸⁵ If a separating state chooses to declare itself newly independent, then those principles apply.⁸⁶ Given separatist movements in Czechoslovakia, Quebec and Yugoslavia, these principles may have application in the future.

6. Uniting States

When two states unite, the treaty regimes of each continue in effect for the former territory of each, unless to do so would be incompatible with the object and purpose of particular agreements.⁸⁷

7. Special Agreements

Agreements may spell out variations on principles for separating and uniting states;⁸⁸ treaties can reformulate the rules in almost any case. One recent example is the FRG-GDR merger, mentioned above.

C. Summary

As of early 1991, none of these situations had occurred with respect to treaty regimes in Eastern Europe, although there have been movements in these directions. Nonetheless, this sketch of the law - primarily based on the Vienna Convention on Succession of States in Respect of Treaties,⁸⁹ not in force but largely reflective of the practice of nations - may be useful as the Nineties unfold. When a researcher consults the bilateral arrangements of nations with, e.g., the United States in *Treaties in Force*,⁹⁰ the impact on the private practitioner and the client is obvious. The United States has trade agreements, tax treaties, etc., with many nations, and private rights may be radically affected by border shifts, unions or separations, or the appearance of new states.

III. Conclusions

As Part I has demonstrated, the unification of Western Europe under the EC is proceeding nearly on schedule and is largely the product of treaty law, Commission decisions, and court holdings that may be difficult for the U.S. practitioner to obtain and, if available, to understand unless he or she has had experience in the field. Not every American lawyer will be involved in Community-oriented transactions or

litigation, but then not every lawyer handles the law of other States, federal law, or even certain aspects of the law of his or her own State, on a daily basis. The situation in Eastern Europe is less certain, and, as Part II has intimated, beyond the political, economic, cultural and social upheavals there is the potential for a legal revolution as well. Nevertheless, changes grounded in principles of international law may have major influences on the law of the private sector there too.

What is sure as tomorrow's sunrise, however, is that international law, whether it be that of the public arena or that of transnational business,⁹¹ lurks in the background, as Justice Cardozo said of the Constitution,⁹² in more situations today than ever before. And while this era is truly "the springtime of nations,"⁹³ it is yet unclear how many winds will shake the buds.

IV. Notes

*Professor of law, Wake Forest University; B.A., University of Alabama; LL.B., Vanderbilt University; A.M., Duke University; LL.M., University of Virginia. Member, North Carolina and Virginia Bars. Parts of this article were presented as papers at the 1989 and 1990 Center for Research and Development in Law-Related Education (CRADLE) summer institutes for primary and secondary school teachers, and were published as *The Multiple Ratchet Effects of 1989-92 on International Law*, 3 *SPLICE* 1 (No. 2, 1990), reprinted in 5 *Teacher Resources Newsletter* 10 (No. 1, 1990). CRADLE was established in 1983 at the Wake Forest Law School as a national, nonprofit corporation within the law school to provide classroom teachers with "caring, sharing and daring experience" to enable them to reach their potential as citizenship educators. I express thanks to Visiting Professor William A. Kaplin of the Catholic University School of Law for reading and commenting on the U.S. Constitutional law aspects of this article. I am also grateful to Associate Professor Michael L. Hughes of the Wake Forest Department of History for source suggestions on pre-World War II Germany. Any errors or omissions are mine, however.

¹See, e.g., Goldberg, *A More Perfect Union Part I: A Lawyer in Moscow*, 76 *A.B.A.J.* 58 (Oct. 1990); Goldberg, *A More Perfect Union Part II: The Center Cannot Hold*, *id.* 70 (Nov. 1990); Goldberg, *A More Perfect Union Part III: No Turning Back*, *id.* 70 (Dec. 1990); Goldberg, *Danger on the Right*, 77 *id.* 70 (May 1991).

²The Arab League was organized pursuant to the Pact of the League of Arab States, Mar. 22, 1945, 70 U.N.T.S. 238. The Treaty of Joint Defence and Economic Co-Operation Between the Arab League States, Apr. 13, 1950, 49 *Am. J. Int'l L. Supp.* 51 (1955), is a parallel regional defense organization analogous to the NATO Agreement, *infra* notes 17, 72 and accompanying text.

³This process reached flash point in the 1990-91 War in the Gulf, the early stages of which were discussed in *The Kuwait Crisis and the Relevance of International Law*, 21 *Wake Forest Jurist* 23 (No. 1, 1990). See also *The Crisis Over Kuwait, August 1990 - February 1991*,

1991 *Duke J. Comp. & Int'l L.* 25.

⁴*Articles of Confederation*, preamble, arts. 11, 111. The ambivalent separateness of the former colonies under the Articles is revealed in the Treaty of Peace, Nov. 30, 1782, United Kingdom - United States, art. 1, 8 Stat. 54, 55, T.S. No. 102: "His Britannic Majesty acknowledges the said United States, viz, New Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof. . . ." (emphasis added). See also the permanent Treaty of Peace, Sept. 3, 1783, United Kingdom - United States, art. 1, *id.* 80, 81, T.S. No. 104; compare the format of the Jay Treaty, Nov. 19, 1794, United Kingdom - United States, *id.* 116, T.S. No. 105. This ambivalence is reflected in the theories of how international law became part of the law of the United States. See generally Henkin, *How International Law Became Part of United States Law*, 82 *Mich. L. Rev.* 1555 (1984). The courts continued to refer to the United States in the plural even after the Civil War. See, e.g., *Leary v. United States*, 81 U.S. (14 Wall.) 607, 611 (1872).

⁵The Constitution of the Confederacy was, in some respects, an attempted throwback to the Articles of Confederation in the Confederate Constitution's recognition of state sovereignty, but the U.S. Constitution's commerce clause, subject to a ban on internal improvements, and the necessary and proper clause, were retained. Compare U.S. Const., art. I, § 8, cl. 3, 18 with *Articles of Confederation*, preamble, arts. 11-111 and *Confed. Const.*, preamble, art. I, cl. 3, 18. See also C. Lee, *The Confederate Constitutions* 95-96, 101-02, 145 (1963).

⁶Free Trade Agreement, Dec. 22-23, 1987 & Jan. 2, 1988, Canada-United States, ____U.S.T.____, T.I.A.S. No.____, reprinted in 27 *Int'l Legal Mat'ls* 281 (1988), creating the world's largest free trade area. A movement is afoot to create an even larger free trade area, among Canada, Mexico and the United States. See *At Issue: A Yukon-to-Yucatan Market*, Wall St. J., Apr. 22, 1991, at A2 and related articles; President George Bush, *Fast Track and Trade Opportunities*, 2 *Dept. St. Dispatch* 253 (1991), and Zoellick, *North American Free Trade Agreements Extending Fast-Track Negotiating Authority*, *id.* 254 (1991).

⁷Much of what follows has been analyzed in greater detail in these sources, which may be consulted for further reference: P. J. G. Kapteyn & P. VerLoren van Themaat, *Introduction to the Law of the European Communities* (L. Gormley 2d ed. 1989); P.S.R.F. Mathijsen, *A Guide to European Community Law* (5th ed. 1990); W. Nicholl & T. Salmon, *Understanding the European Communities* (1990); E. Stein, P. Hay & M. Waelbroeck, *European Community Law and Institutions in Perspective* (1976, 1985 Supp.). These general casebooks also have references: J. Barton & B. Fisher, *International Trade and Investment* 170-210 (1986); R. Folsom, M. Gordon & J. Spanogle, *International Business Transactions* 910-1034 (1986); L. Henkin, R. Pugh, O. Schachter & H. Smit, *International Law: Cases and Materials* 1413-66 (2d ed. 1987); J. Jackson & W. Davey, *Legal Problems of International Economic Relations* 199-233 (2d ed. 1986); H. Steiner & D. Vagts, *Transnational Legal Problems* 1036-1122 (3d ed. 1986). All have document supplements and are updated occasionally. The European Communities have an office in the United States and can send information:

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As D. Bowett, *The Law of International Institutions* (1963) demonstrates, there are other, similar regional organizations, many of which are discussed in the EC sources listed *supra*.

⁸² W. Churchill, *The Second World War* 207-15 (1949).

⁹Atlantic Charter, Aug. 14, 1941, United Kingdom-United States, 55 Stat. 1603, E.A.S. No. 236.

¹⁰Declaration by United Nations, Jan. 1, 1942, *id.* 1600, E.A.S. No. 236; see also U.S. Dep't of State, *Treaties in Force* 283-84, 391 (1990), which lists 47 nations as parties to the agreements. The Axis began to impose transnational regimes for business and labor in territories it conquered too. See *infra* note 34.

¹¹Churchill's first suggestion for this came in a 1942 British cabinet meeting. W. Nicoll & T. Salmon, *supra* note 7, at 6; A. Robertson, *The Council of Europe* 1-2 (1956).

¹²Convention Establishing the Organisation for European Economic Co-operation, Apr. 16, 1948, 888 U.N.T.S. 141, superseded by Convention on the Organization for Economic Cooperation and Development, Dec. 14, 1960, 12 U.S.T. 1728, T.I.A.S. No. 4891, 888 U.N.T.S. 179.

¹³Statute of the Council of Europe, May 5, 1949, 87 U.N.T.S. 103, since then amended several times. For initial analysis, see generally A. Robertson, *supra* note 11. The Western European Union was another step along the way. W. Nicoll & A. Salmon, *supra* note 7, at 11.

¹⁴European Coal and Steel Community Treaty and Convention, Apr. 18, 1951, 261 U.N.T.S. 140 (unofficial English translation).

¹⁵European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 *id.* 221. This Convention was the primary product of the Council of Europe. See A. Robertson, *supra* note 11, ch. 9.

¹⁶Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277; see also, e.g. International Covenant on Civil and Political Rights with Optional Protocol, Dec. 16, 1966, 999 *id.* 171; International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 *id.* 3.

¹⁷North Atlantic Treaty, Apr. 4, 1949, 63 Stat. 2241, T.I.A.S. No. 1964, 34 U.N.T.S. 243, as modified by Protocol on the Accession of Greece and Turkey, Oct. 17, 1951, 3 U.S.T. 43, T.I.A.S. No. 2390, 126 U.N.T.S. 350; Protocol on the Accession of the Federal Republic of Germany, Oct. 23, 1954, 6 *id.* 5707, T.I.A.S. No. 3428, 243 U.N.T.S. 308; Protocol on the Accession of Spain, Dec. 10, 1981, *id.*, T.I.A.S. No. 10564.

¹⁸Treaty for the Establishment of the European Economic Community (Treaty of Rome), Mar. 25, 1957, 1973 Gr. Brit. T.S. No. 1-Part II (Cmd. 5179-II), 298 U.N.T.S. 3; Treaty Establishing the European Atomic Energy Treaty, Mar. 25, 1957, *id.* 167. The U.N.T.S. versions are unofficial English translations. Other European nations negotiated the Convention Establishing the European Free Trade Association (EFTA), Jan. 4, 1960, 370 *id.* 3, which promotes removal of trade barriers without the pledge of integration. EFTA has lost nations - Denmark, Portugal, Spain, the United Kingdom - to the EC and today has only seven members: Austria, Finland, Iceland, Liechtenstein, Norway, Sweden and Switzerland. For analysis of EC-EFTA attempts at cooperation, see Gardener, *The European Free Trade Association and the European Community*, 25 *Int'l Law* 187 (1991).

¹⁹Treaty Establishing a Single Council and a Single

Commission of the European Communities (Merger Treaty), Apr. 8, 1965, *reprinted* in 4 *Int'l Legal Mat'ls* 776 (1965).

²⁰Norway's popular referendum rejected EC membership after it signed the 1972 treaty. In 1985 Greenland, for whom Denmark has exercised foreign relations authority, seceded from the EC. See generally P.S.R.F. Mathijsen, *supra* note 7, at 9-12.

²¹U.N. Charter, arts. 10-17; but see also *id.*, arts. 75-91. The European Single Act, Feb. 28, 1986, *reprinted* in 25 *Int'l Legal Mat'ls* 506 (1986) expanded the Parliament's powers. For analysis, see Maravcsik, *Negotiating the Single European Act*, 45 *Int'l Org.* 19 (1991); Stein, *European Foreign Affairs System and the Single European Act System of 1986*, 23 *Int'l Law* 977 (1989).

²²U.N. Charter, arts. 24-27, 48.

²³For an example of the latter, see *Final Remarks on the European Community Summit Meeting*, Dec. 16, 1990, 1 *Dep't St. Dispatch* 354 (1990), the EC declarations on the Persian Gulf crisis, the Arab-Israeli conflict and the Palestinian problem.

²⁴See U.N. Charter, arts. 92-96; I.C.J. Statute, arts. 34-37. This limitation has given rise to the espousal procedure, by which a nation adopts its national's claim as its own and litigates the case before the Court. See, e.g., *Mavrommatis Palestine Concessions* (Greece v. U.K.), 1924 P.C.I.J. (ser. A), No. 2, at 11-12.

²⁵See *supra* note 7.

²⁶U.S. Const., art. 1, § 8, cl. 1, 3, 18; § 9, cl. 5, 6; § 10, cl. 2, 3; *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 194-97 (1824), followed in *Wickard v. Filburn*, 317 U.S. 111, 118-29 (1942), which upheld federal legislation implementing the Commerce Clause. See also *H. P. Hood & Sons v. DuMond*, 336 U.S. 525 (1949) and *Baldwin v. G. A. F. Seelig, Inc.*, 294 U.S. 511 (1935).

²⁷See, e.g., *City of Philadelphia v. New Jersey*, 437 U.S. 617, 628-29 (1978) (dictum).

²⁸Supreme Ct. of New Hampshire v. Piper, 470 U.S. 274 (1985); *Hicklin v. Orbeck*, 437 U.S. 518 (1978); *Shapiro v. Thompson*, 394 U.S. 618, 629-31 (1969); *Edwards v. California*, 314 U.S. 160, 173-76 (1941), variously based on U.S. Const., art. 1, § 8, cl. 3; art. IV, § 2, cl. 1, although the Court has not agreed on the exact source of the right. L. Tribe, *American Constitutional Law* § 16-8 (2d ed. 1988). The Third Reich's war effort had encouraged transborder migration of "free" labor in addition to its use of slave labor and prisoners of war. See *infra* note 34.

²⁹*St. Clair v. Cox*, 106 U.S. 350, 356 (1882); see also Kurland, *The Supreme Court, the Due Process Clause and the in Personam Jurisdiction of State Courts - From Pennoyer to Denckla: A Review*, 25 *U. Chi. L. Rev.* 569, 577-82 (1958). Germany had developed a primitive form of cross-border establishment during World War II. See *infra* note 34.

³⁰P.S.R.F. Mathijsen, *supra* note 7, at 13-14, 258-62; Gruson & Feuring, *The New Banking Law of the European Economic Community*, 25 *Int'l Law* 1 (1991).

³¹P.S.R.F. Mathijsen, *supra* note 7, at 12-13; Ehlermann, *The "1992 Project": Stages, Structures, Results and Projects*, 11 *Mich. J. Int'l L.* 1097 (1990).

³²See generally 15 U.S.C. §§ 1 (1988) et seq.

³³For a description of one government-supported arrangement, see generally United States v. Watchmakers of Switzerland Inform. Center, 1963 CCH Trade Cas. para. 70,600 (S.D.N.Y. 1962), *judgment revised*, 1965 *id.* para. 71,352 (S.D.N.Y. 1965).

³⁴Cf. W. Nicoll & T. Salmon, *supra* note 7, at 285. R. Overy, *The Road to War* 41, 168, 305-06 (1989); Wendt, *"Economic Appeasement" - A Crisis Strategy*,

in W. Mommsen & L. Kettenacker, *The Fascist Challenge and the Policy of Appeasement* 157 (1983). A similar process occurred episodically in Europe before World War I. K. Pribham, *Cartel Problems: An Analysis of Collective Monopolies in Europe with American Application* 241-82 (1935), published just before the German and Italian policies on autarky were promulgated in 1936. Germany and Austria had sought to form a customs union in 1931, but the 8-7 vote of the World Court held the arrangement invalid under the Treaty of Saint-Germain. Customs Union Between Germany and Austria, 1936 P.C.I.J. (ser. A/B), No. 41, at 37. Some German industrialists who had supported Adolf Hitler's rise to power opposed the government's autarky principles, although many profited by them. P. Hayes, *Industry and Ideology: IG Farben in the Nazi Era* 74-216 (1987); W. Shirer, *The Rise and Fall of the Third Reich* 258-62 (1960). Others, such as the Krupps, were heavily involved with developing the German war machine and strongly supported the policy. W. Manchester, *The Arms of Krupp* 382 (1964). During World War II some industries, driven by the demands of war, formed primitive transnational wartime economic communities for markets, free of tariff barriers and duties, movement of labor and the rationalization of currencies and basic industries such as coal and iron, under German control. J. Gillingham, *Industry and Politics in the Third Reich*, 117-30, 146-59 (1985); P. Hayes, *supra* at 342-46. These sources indicate that there may have been more diverse forces at work in the economic arena than the view that industrial autarky and other anticompetitive devices helped propel Europe into war. From the Nazis' perspective, autarky helped prepare for war, but whether industrial leaders were active, willing collaborators is open to doubt, except in cases such as the Krupp interests. Indeed, as J. Gillingham, *supra*, points out, once war came, certain sectors of German industry engaged in the same kind of rationalization - by which more efficient production was to be accomplished - as free trade would have promoted, albeit under the umbrella of military occupation.

³⁵U.S. Const., art. VI, cl. 2.

³⁶Amministrazione delle Finanze dello Stato v. Simmenthal S.p.A., 1978 E. Comm. Ct. J. Rep. 629, 644, available on LEXIS.

³⁷E.g. P. J. Kapetyn & P. VerLoren van Themaat, *supra* note 7, at 315; see also *id.* at 350.

³⁸H. P. Bulmer Ltd. v. J. Bollinger S.A., 1974[2] All E.R. 1226, 1231-32 (C.A.).

³⁹*Mondou v. New York, N.H. & H.R.R.*, 223 U.S. 1, 57 (1912). *Testa v. Katt*, 330 U.S. 386 (1947) states the obligation of state courts to enforce federal statutes even if they would be considered "penal" in nature.

⁴⁰Compare U.S. Const., art. I, § 8, cl. 1, 18. See also *supra* note 5.

⁴¹Cf. E. Stein, P. Hay & M. Waelbroeck, *supra* note 7, at 2 (1985 Supp.).

⁴²P.J.G. Kapetyn & P. Verloren van Themaat, *supra* note 7, at 516. For analysis of comparable principles in United States law, see *Restatement (Third), Foreign Relations Law of the United States* (hereinafter *Restatement (Third)*) §§ 402-03, 415 (1987).

⁴³See, e.g. the conflicts in the *Laker Airways* litigation, summarized in *Restatement (Third), supra* note 42, § 403, Reporters' Notes 6-7.

⁴⁴The States have been active, to a greater or lesser degree, in this field too. See, e.g., N.C. Gen. Stat. § 99D-1 (1987).

⁴⁵*Supra* note 15.

⁴⁶Panel, *The Emerging European Constitution*,

1978 Proc. Am. Soc'y Int'l L. 166, 169 (Remarks of Eric Stein). For current analysis, see A. Arnulf, *The General Principles of EC Law and the Individual* (1990).

⁴⁷Defrenne v. SABENA, 1976 E. Comm. J. Rep. 455, 473-76, available on LEXIS.

⁴⁸U.S. Const., preamble, and art. I, § 8, cl. 1, 11-16, 18; § 9, cl. 2; § 10, cl. 3; art. II, § 2, cl. 1; compare Articles of Confederation, arts. III, VI-IX.

⁴⁹In 1984 the Parliament adopted a Draft Treaty Establishing the European Union, the most fully articulated plan for a United Europe. The proposal has not been adopted by any government. W. Nicol & A. Salmon, *supra* note 7, at 42-43. For a current analysis of the EC's international personality, see Panel, *The European Community - International Personality Pre- and Post-1992*, 1990 Am. Soc'y Int'l L. Proc. 213 (1991).

⁵⁰Council for Mutual Economic Assistance, Dec. 14, 1959 368 U.N.T.S. 253. CMEA was announced by communique in 1949 and formalized 10 years later. CMEA is now no more. *COMECON to Dissolve Today*, Wall St. J., June 28, 1991, at A10. would not be enforceable in the second forum.

⁵¹European Communities Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, Sept. 27, 1968, *reprinted* in 8 Int'l Legal Mat's 229 (1969). See also the draft Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, Apr. 26, 1966, *reprinted* in 5 *id.* 636 (1966), not in force.

⁵²U.S. Const., art. IV, § 1, implemented by 28 U.S.C. § 1738 (1988).

⁵³The closest that the United States has come to a treaty is the draft Convention on the Reciprocal Recognition and Enforcement of Judgments in Civil Matters, United Kingdom-United States, Oct. 26, 1976, art. 18, 16 Int'l Legal Mat's 71, 84-85 (1977), which addresses third-state judgment issues.

⁵⁴*Supra* note 52. As of 1990, 20 States had some version of the Act. 13 U.L.A. 261 (1986) & 38 (1991 Cum. Ann. Pocket Part). North Carolina, for example, does not have this legislation, although since 1989 the Uniform Enforcement of Foreign Judgments Act, N.C. Gen. Stat. §§ 1C-1701 - 1708 (1990 Cum. Supp.), 13 U.L.A. 149 (1986) has been in force. States like North Carolina have a variety of theoretical options on enforcement of such foreign-nation judgments, ranging from comity to reciprocity to *res judicata*. See generally *Restatement (Third)*, *supra* note 42, §§ 481-82, and Annot., *Valid Judgment of Court of Foreign Country As Entitled to Extraterritorial Effect in Federal District Court*, 13 A.L.R. Fed. 208 (1972 & 1990 Supp.).

⁵⁵Commission of the European Communities, the ABC of Community Law 28 (2d ed. 1986), quoted in W. Nicol & T. Salmon, *supra* note 7, at 48.

⁵⁶D. Meador, *American Courts* 77 (1991); Semonche, *The Tie that Binds: A Bicentennial Appraisal of the U.S. Constitution*, 34 N.C. St. B.Q. 4, 5 (No. 3, 1987).

⁵⁷The USSR's absorption of the Baltic republics, never recognized by the United States, prompted reuse of one variant of U.S. recognition principles. See generally R. Vitas, *The United States and Lithuania: The Stimson Doctrine of Nonrecognition* (1990).

⁵⁸The process was accomplished by three primary agreements, Treaty Establishing a Monetary, Economic and Social Union, Federal Republic of Germany - German Democratic Republic, May 18, 1990, *reprinted* in 29 Int'l Legal Mat's 1108 (1990); Treaty on the Final Settlement with Respect to Germany, Sept. 12, 1990, *id.* 1186 (1990), the latter being subject to ratification by six nations (two Germanys, France, United Kingdom, USSR, United States); Treaty on

the Establishment of German Unity, Aug. 31, 1990, Federal Republic of Germany - German Democratic Republic, 30 *id.* 457 (1991). *Id.* 445-56, 505-14 publishes other peripheral agreements relating to unification.

⁵⁹Treaty on the Final Settlement with Respect to Germany, Sept. 12, 1990, art. 7, 29 *id.* at 1191.

⁶⁰Treaty of Friendship, Co-operation and Mutual Assistance, May 14, 1955, 219 U.N.T.S. 3, whose article 11 has an unusual 10-year denunciation clause, now overridden by the 1991 agreements. The usual rule is one year, unless a treaty specifies otherwise. Vienna Convention on the Law of Treaties, May 29, 1969 (hereinafter Vienna Convention), arts. 54, 56, 63 Am. J. Int'l L. 875, 891-92 (1969), 8 Int'l Legal Mat's 679, 699 (1969). Although the United States is not a party to the Convention, many of its provisions codify customary international law. *Restatement (Third)*, *supra* note 42, *Introductory Note* to Part III.

⁶¹Council for Mutual Economic Assistance, Dec. 14, 1959 368 U.N.T.S. 253. CMEA was announced by communique in 1949 and formalized 10 years later. CMEA is now no more. *COMECON to Dissolve Today*, Wall St. J., June 28, 1991, at A10.

⁶²The surest way to end a treaty relationship is to negotiate a new agreement. Cf. Vienna Convention, *supra* note 62, art. 57-59, 63 Am. J. Int'l L. at 892-93, 8 Int'l Legal Mat's 700-01. A less clear method is to develop sufficient custom or general principles of law to supersede it. Cf. *Restatement (Third)*, *supra* note 42, § 102.

⁶³See generally Symposium, *Eastern European Report*, Int'l Practitioners' Notebook (No. 46, 1990).

⁶⁴Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398, 410-11 (1964) (dictum); Guaranty Trust Co. v. United States, 304 U.S. 126, 137-41 (1938); *Restatement (Third)*, *supra* note 42, § 204. But see National Petrochem. Co. of Iran v. M/T Stolt Sheaf, 860 F.2d 551 (2d Cir. 1988), *cert. denied*, 109 S.Ct. 1535 (1989) (agency of nonrecognized government may sue where U.S. amicus brief urged such), and compare Republic of Viet Nam v. Pfizer Inc., 556 F.2d 892 (8th Cir. 1977).

⁶⁵See, e.g., *National Petrochem. Co.*, *supra* note 66; *Salimoff & Co. v. Standard Oil Co.*, 262 N.Y. 220, 186 N.E. 679 (1933); *Upright v. Mercury Bus. Mach. Co.*, 13 App. Div.2d 36, 213 N.Y.S.2d 417 (1961).

⁶⁶U.S. Const., art. II, § 2-3 (power to appoint, receive ambassadors). See also *United States v. Belmont*, 301 U.S. 324 (1937); *United States v. Pink*, 315 U.S. 203 (1942). There is a rough analogy to the unrecognized government principle in the States' use of door-closer statutes, e.g., N.C. Gen. Stat. § 55-15-02 (1990). Such statutes are valid. Cf. *Woods v. Interstate Realty Co.*, 337 U.S. 535 (1949), overruling earlier cases that said that although such statutes were valid as between the state courts, they could not deprive federal courts of jurisdiction. See also *Allen v. Alleghany Co.*, 196 U.S. 458, 465 (1905).

⁶⁷See *National Petrochem Co.*, *supra* note 66.

⁶⁸G. Tunkin, *Theory of International Law* 133-36 (W. Butler transl. 1974); Hazard, *Soviet Tactics in International Law Making*, 7 Den. J. Int'l L. & Pol. 9, 11, 31 (1977); Lukashak, *The Principle Pacta Sunt Servanda and the Nature of Obligation Under International Law*, 83 Am. J. Int'l L. 513 (1989); see also *North Sea Continental Shelf Cases* (W. Ger. v. Den., W. Ger. v. Neth.), 1969 I.C.J. 4, 155, 156, 169 (Korotzyk, J.). This view, along with everything else in the Soviet Union, may be changing, however. Compare, e.g., I. Blischenko, *International Humanitarian Law* 17 (I. Chulaki transl. 1989) and Szawlowski, *Book Review*, 84 Am. J. Int'l L. 595 (1990) with Mullerson, *Sources of International Law: New Tendencies in Soviet Thinking*, 83 *id.* 494, 501-09 (1989).

⁶⁹Vienna Convention, *supra* note 62, art. 29, 63 Am. J. Int'l L. 884, 8 Int'l Legal Mat's 691; accord, *Restatement (Third)*, *supra* note 42, § 322(2).

⁷⁰North Atlantic Treaty, Apr. 4, 1949, art. 6, 63 Stat. 2244, T.I.A.S. No. 1964, 34 U.N.T.S. 245, as modified by Protocol to the North Atlantic Treaty on the Accession of Greece and Turkey, Oct. 17, 1951, art. 2, 3 U.S.T. 44, T.I.A.S. No. 2390, 126 U.N.T.S. 350.

⁷¹U.S. Dep't of State, *Western Defense: The European Role in NATO 16-17* (1988); Hayes, *Chronology 1987*, 66 Foreign Aff. 653, 660 (1988).

⁷²See sources *supra* note 3.

⁷³I. Sinclair, *The Vienna Convention on the Law of Treaties* 88-92 (2d ed. 1984).

⁷⁴Cf. L. Chen, *An Introduction to Contemporary International Law* 28-29 (1989).

⁷⁵International Covenant on Civil and Political Rights, Dec. 16, 1966, art. 1, 999 U.N.T.S. 171, 173; International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, art. 1, 993 *id.* 3, 5; Advisory Opinion on Western Sahara, 1975 I.C.J. 12, 31-35, 121-22; Advisory Opinion on Namibia, 1971 I.C.J. 16, 31; Chen, *Self-Determination as a Human Right*, in *Toward World Order and Human Dignity: Essays in Honor of Myres S. McDougal* 198 (W. Reisman & B. Weston eds. 1976); Emerson, *Self-Determination*, 65 Am. J. Int'l L. 459 (1971); Rosenstock, *The Declaration in the Principles of Equal Rights and Self-Determination*, *id.* 713 (1971); Suzuki, *Self-Determination and World Public Order*, 16 Va. J. Int'l L. 779 (1976).

⁷⁶*Restatement (Third)*, *supra* note 42, §§ 201, 206. Even something as esoteric as the definition of a state has practical ramifications. In *Morgan Guar. Trust Co. v. Republic of Palau*, 924 F.2d 1237 (2d Cir. 1991), creditors sued Palau on a defaulted loan. Because Palau did not meet the test of sovereignty as part of the Trust Territory of the Pacific Islands for which the United States is responsible under a Trusteeship Agreement with the U.N. Security Council, it was not entitled to Foreign Sovereign Immunities Act protection.

⁷⁷*Restatement (Third)*, *supra* note 42, §§ 202-05.

⁷⁸Vienna Convention on Succession of States in Respect of Treaties, Aug. 23, 1978 (hereinafter *State Succession Treaty*), arts. 11, 12, 72 Am. J. Int'l L. 971, 975 (1978); Vienna Convention, *supra* note 62, art. 62, 63 Am. J. Int'l L. 894-95, 8 Int'l Legal Mat's 702; *Restatement (Third)*, *supra* note 42, 210(4). In other respects the Vienna Convention takes no position on state succession and related issues. Vienna Convention, *supra* note 62, art. 73, 63 Am. J. Int'l L. 898, 8 Int'l Legal Mat's 707.

⁷⁹*State Succession Treaty*, *supra* note 80, art. 8, 72 Am. J. Int'l L. 974; *Restatement (Third)*, *supra* note 42, § 210(3); L. Chen, *supra* note 76, at 422. The substance of such agreements may appear in treaty indexes by nation. See, e.g., U.S. Dep't of State, *supra* note 10, at 91 (Ghana).

⁸⁰*State Succession Treaty*, *supra* note 80, art. 9, 72 Am. J. Int'l L. 974; *Restatement (Third)*, *supra* note 42, § 210(3); L. Chen, *supra* note 76, at 422. The substance of such a declaration may appear in treaty indexes by nation. See, e.g., U.S. Dep't of State, *supra* note 10, at 11-12 (Bahamas).

⁸¹*State Succession Treaty*, *supra* note 80, arts. 16-30, 72 Am. J. Int'l L. 976-82; *Restatement (Third)*, *supra* note 42, § 210(3); L. Chen, *supra* note 76, at 422. The substance of such declarations may be found in treaty indexes by nation. See, e.g., U.S. Dep't of State, *supra* note 10, at 20 (Belize).

⁸²*State Succession Treaty*, *supra* note 80, art. 15, 72 Am. J. Int'l L. 975-76.

⁸³*Id.*, art. 34, 72 Am. J. Int'l L. 984.

⁸⁴See *supra* notes 81-83 and accompanying text.

⁸⁵*State Succession Treaty*, *supra* note 80, arts. 31-33, 72 Am. J. Int'l L. 982-84.

⁸⁶*Id.*, arts. 31(91)(1), 34(2)(a), 72 Am. J. Int'l L. 982, 984.

⁸⁷*Id.*, 72 Am. J. Int'l L. 971.

⁸⁸See *supra* note 10.

⁸⁹Cf. P. Jessup, *Transnational Law* 2 (1956).

⁹⁰*Gully v. First Nat'l Bank*, 299 U.S. 109, 117 (1936).

⁹¹Howard, *The Springtime of Nations*, 69 Foreign Aff. 17 (1989).

CLASS NOTES

1955

James E. Bonner has retired from the Employment Security Commission of North Carolina. He married Marie in 1986. In February, 1991, they moved to a farm.

1959

Major B. Harding was appointed, on January 22, 1991, to the Florida Supreme Court by Governor Lawton Chiles. Harding also serves on the Florida Supreme Court's Gender Bias Commission and on the Florida Bar's Bench Bar Commission. He was chairman-elect of the Florida Conference of Circuit Judges when appointed to the Florida Supreme Court. He has been a judge for nearly 23 years.

1964

Leon Henderson, Jr. became a senior resident superior court judge in 1989-90. He is a principal in Battle, Winslow, Scott, and Wiley, P.A.

1966

Charles Taylor won the Eleventh District U.S. Congressional seat in the November, 1990 election.

1972

William H. Andrews has been re-elected to his fifth term as district attorney for the Fourth Prosecutorial District.

1973

Francis E. Dail has been serving as clerk of the North Carolina Court of Appeals since 1976.

1975

LCDR Dennies G. Bengtson is a staff judge advocate with the Portsmouth Naval Hospital in Portsmouth, VA.

1976

Adelaide Behan Jacobson announces the birth of her son Austin who was born on December 8, 1990.

Susan Dianne Moore has been working with the Guilford County Sheriff's Department as their legal advisor since January, 1991. Susan married Terry Grant Lewis in November, 1990.

John H. Noblitt has been elected vice-president of Chicago Title & Trust Company, the nation's leading issuer of property titles.

1977

Loto (Greenlee) Caviness serves as a superior court judge for the Twenty-Ninth Judicial District in Marion, NC. She married Q. Harold Caviness on May 19, 1990.

Robert F. Stamps was awarded a LL.M. in International and Comparative Law from George Washington University. He is leaving his assignment as an Air Force representative to the Defense Acquisition Regulation (DAR) Council to practice international law with the Office of General Counsel, Department of the Air Force. He is a major in the Air Force Reserve.

1978

James R. Blevins is a vice-president at Sedgwick James of the Carolinas. Jim and his family will relocate to Columbia, S.C.

1979

Bonnie K. Donahue is a bankruptcy partner at Womble, Carlyle, Sandridge and Rice.

1980

Lynn P. Burleson has been named partner at Petree, Stockton, and Robinson in Winston-Salem. He serves as vice-chair of the Family Law Section of the North Carolina Bar Association and chair of the Ethics and Grievance Committee of the Twenty-First Judicial District Bar.

Marc Van Nuys is a major in the United States Air Force. He is stationed at Sheppard Air Force Base in Texas.

CLASS NOTES

LCDR Daniel E. O'Toole is a legal officer stationed aboard the USS Theodore Roosevelt. He was deployed to the Persian Gulf as part of Operation Desert Storm. Joseph, his third child, was born on October 14, 1990.

1981

Robert G. Brinkley announces the birth of his first son Samuel Thomas, who was born on October 14, 1990.

John C. Elam is a partner with the firm of Hodgman, Elam, Gordon and Churchill. He announces the birth of a second daughter, Ashley Claiborne.

Julia Kathryn Hatcher married Joe L. Brown, Jr. on June 9, 1990 and moved from Richmond, VA to Rocky Mount, NC. In Richmond, she worked in the tax section in the Attorney General's Office. Now she is in private practice in Rocky Mount.

David M. Warren was elected to the Executive Council of the Bankruptcy Section of the North Carolina Bar Association (NCBA). He currently serves as secretary of NCBA.

Steele B. Windle, III is a partner with Johnston, Taylor, Allison and Hord. He announces the birth of his twins, Erin and Tucker, who were born on August 24, 1990.

1982

Napoleon "Poli" B. Barefoot, Jr. is a district court judge for the Thirteenth Judicial District. He married Kelly Simmons in July, 1990.

Laura Kroeschell Howell announces the birth of her daughter, Anna Taylor, who was born on April 3, 1991.

Christine L. Myatt has been certified as a bankruptcy specialist by the Board of Legal Specialization of the North Carolina State Bar.

Earl F. Wall has been elected to Association of Life Insurance Counsels, which includes corporate attorneys throughout the United States who have distinguished themselves in life insurance law. He is also vice-president and associate counsel at Integon Life Insurance.

1983

Maria High Armstrong and Lamar announce the birth of their daughter Marcia who was born on June 18, 1990. Their other two children are Lam, age five and Hinton, age three.

James "Chips" H. Burrus, Jr. works as an FBI Agent with the Office of the Attorney General at the U.S. Department of Justice.

Marilyn H. Stout joined First Home Federal Savings and Loan Association of the Carolinas as senior vice-president and general counsel in September 1990.

Thomas B. Templeton married Stephany D. Templeton on October 18, 1986. They announce the birth of their daughter Whitney who was born on January 31, 1991.

1984

Jane Charlton has joined the Pennsylvania Department of Environmental Resources as assistant counsel. She also announces the birth of her second child, Charlton "Charlie" Graham Otte.

Jessie M. Conley has been elected district court judge for the Twenty-Second Judicial District in Iredell County.

Gilbert C. Laite, III became a director of Maupin, Taylor, Ellis, and Adam, P.A., a Raleigh-based firm.

Katherine Bonan McDiarmid is a partner with Adams, Kleemeier, Hagan, Hannah, and Fouts. She specializes in estate planning, trust, and estate administration.

John Rusher and Mary Nash are the proud parents of twin boys, Thomas and David who were born on July 13, 1990.

William D. Roberts moved into the benefit consulting area in 1990 with Bryan, Pendleton, Swats, and McAllister. He and his wife Laura Jane are the proud parents of two sons, Grant and Cameron.

David A. Senter is a partner with Adams, Kleemeier, Hagan, Hannah and Fouts.

George L. Wainwright, Jr. has been appointed district court judge for the Third District by Governor James Martin. George and his wife Carol announce the birth of their daughter, Ashton.

David M. Warren was elected to the Executive Council of the Bankruptcy Law Section of the North Carolina Bar Association. David and his wife Jan had their first child in February.

1985

Bob Blend married Julie Edwards on February 16, 1991.

Charles T. Douglas serves as general counsel, and director of distribution and operation at Douglas Battery. He and his wife Courtney announce the birth of daughter Margaret.

CLASS NOTES

James "Jim" R. Hundley is a partner with Wyatt, Early, Harris, Wheeler, and Hauser.

Kenneth S. Lucas, Jr. is a partner with the firm Dees, Giles, Tedder, Tate, and Gaylord.

Nancy Borders Paschall is a partner with the firm Mullen, Holland, Cooper, Morrow, Wilder, and Sumner P.A. She is primarily involved in corporate and bank litigation.

Curtis Sharpe, Jr. has joined Christian, Houck and Sigmon, a Hickory, NC firm.

James Russell Sugg, Jr. began his own practice in Wilmington. James married Elizabeth Norfleet on September 15, 1990.

1987

Laura B. (Cimino) Colella has been named associate general counsel of Trammell Crow Company at their headquarters in Dallas, TX. She joined Trammell Crow in April, 1989 to practice in the area of liability management.

Krista (Silar) Leinenkugel is in-house counsel at Huff Corporation in Dayton OH. She married Mark Leinenkugel in December 1989.

Emily Streett moved to the law firm of Dyer, Ellis, Joseph and Mills in Washington, D.C. Her practice includes civil litigation and counseling companies on tax, regulatory and general corporate matters.

1988

Gregory D. Conforti practices law in Chicago, IL. He was recently inducted into the Illinois Association of Defense Trial Counsel. Gregory's second child, Zacary, was born on July 9, 1990.

R. Harding Erwin, Jr. married Paige Marsh, a classmate from Davidson College on September 15, 1990.

Robert Wayne Parker is an associate in a labor relations and employment law practice in Spartanburg, SC.

Michael J. Provan started his own

general practice specializing in personal injury, and corporate and commercial litigation in La Jolla, CA.

1989

David Chambers is an administrator with the National Collegiate Athletic Association in Overland Park, KS.

Steven E. Hollowell became a partner with his brother at the firm of Hollowell and Hollowell in Bayboro, NC. His father, **Bernard Hollowell** ('48), serves of counsel since his retirement. Steven married Debby Trott in April.

Damon Pike is an associate with Kilpatrick and Cody, an international trade group based in Washington, DC. Pike recently completed a judicial clerkship with the Honorable R. Kenton Musgrave at the U.S. Court of International Trade in New York City.

1990

Marcy Louza married Rich Hoyt in March, 1991.

WHAT'S NEW? *Wake Forest Jurist* would like to hear from all law alumni about any new developments. Kindly take a few moments to fill out the form below and return it to *Wake Forest Jurist*; Wake Forest University; School of Law; P.O. Box 7206; Winston-Salem, NC 27109.

Name: _____ Year of Law School Graduation: _____

Business Address: ☐ (check if new address) _____

Business Phone #: () _____

Home Address: ☐ (check if new address) _____

Home Phone #: () _____

Brief description of law practice or business: _____

Public offices, professional, and civic honors with dates: _____

Personal items of current interest (i.e. marriage, birth of child): _____

Candidates for the Degree of Juris Doctor

Conferred May 20, 1991

Barbara Ann Allen Charleston, WV
John Harris Bain Winston-Salem, NC
Bruce D. Baker Alburt Springs, VT
James John Barresi Clarkston, MI
Kathleen Anderson Barrett Winston-Salem, NC
Phillip Randall Batten Greensboro, NC
Matthew Earl Beagle § Bloomsburg, PA
Michael David Beal Mount Airy, NC
Joseph L. Bell Jr. Greensboro, NC
Beverly Anne Bertram Charlotte, NC
James Hampton Black III Charlotte, NC
Jesse Virgil Bone Jr. Burlington, NC
Robert Eugene Boydoh Jr. Granville, OH
Ricky L. Bradley Dayton, OH
Florence Carol Brock Greensboro, NC
Joan Elizabeth Brodish Winston-Salem, NC
Jean Calhoun Brooks Lexington, NC
John Stewart Brubaker Greensboro, NC
Robert Lee Bunner § Seattle, WA
Howell A. Burkhalter Winston-Salem, NC
Michael Lothar Burt Wynnewood, PA
Miller Allison Bushong III Pulaski, VA
Laura Lynn Byrd Winston-Salem, NC
Mari Stacy Chamberlain Salisbury, NC
Susan Elizabeth Chamberlin Rockville, MD
Russell W. Chapman Jr. Statesville, NC
Jennifer Leigh Cheek Advance, NC
William Mark Conger § Statesville, NC
Amy Kathleen Cooney Overland Park, KS
David Carl Cordes Greensboro, NC
Lexie Lynn Craven Winston-Salem, NC
Charles W. Crews Jr. Waycross, GA
Michael William Crews § Dallas, TX
Grady Leander Crosby Winston-Salem, NC
Andrea Hermes Crumpler Winston-Salem, NC
Elizabeth Ann Danziger Chapel Hill, NC
Amber Lynn Davis Wanchese, NC
Brian Forrest Davis Asheville, NC
Charles Michael Day Troutman, NC
Merle Miller DeLancey Jr. Alexandria, VA
Robert William Dickerson § Pittsford, NY
John Thaddeus Dorsey Binghamton, NY
Susan Marie Dotson-Smith Winston-Salem, NC
Elizabeth M. Dranttel Churchton, MD
Annamarie S. D'Souza Old Bethpage, NY
Paula L. Durst Charleston, WV
Santiago Martin Estrada Raleigh, NC
Patricia Ann Everett Ahoskie, NC
Stephanie Townsend Farabow Chesapeake, VA
Miriam Esther Felsenburg Greensboro, NC
Sarah Ann Fischer Kendallville, IN
Steven Masters Fisher Washington, NC
Brian K. Flatley Boston, MA
Daniel John Fritze Macon, GA

Sara Beth Fulford Farmville, NC
William L. Funderburk Jr. Eden, NC
Timothy J. Graber Orchard Park, NY
James Alfred Hadley Jr. Mount Airy, NC
Lori Irvin Hamilton Mocksville, NC
Douglas William Hanna Farmington Hills, MI
Beth Brown Harshman Hawesville, KY
Denise Sheila Hartsfield Winston-Salem, NC
Teresa L. Hier Chesapeake, VA
Tiana Madella Hinnant Wilson, NC
Sharon Dawn Holt Winston-Salem, NC
Harlan Lee Horton Hampden-Sydney, VA
Jeffrey I. Hrdlicka Greensboro, NC
James M. Jacobs Chenoa, IL
Carolyn Anne Jones * Jamestown, NC
Suzan Felten Jones Greensboro, NC
Caroline Mayes Kelly Charlottesville, VA
Karen Marie Kemerait Indian Harbour Beach, FL
Cynthia Davis Kennedy Farmington Hills, MI
Patrick B. Kernan Oriskany, NY
Stephen David Kiess Battle Creek, MI
Ronda Lynn Killens Silver Spring, MD
Frances S. Knox Charlotte, NC
Neil David Kodosi Charlotte, NC
Stephen David Koehler Shelton, CT
John Joseph Korzen Winston-Salem, NC
Harold Joseph Lamboley III Hamden, CT
Katherine Thompson Lange Fayetteville, NC
Edward Cook LeCarpentier III Greenville, NC
Margaret Wueste Lesesne San Angelo, TX
Scott Bradley Lewis Springfield, MO
Angela Felicia Liverman Farmville, NC
Steven I. Loew Binghamton, NY
Kenneth Bruce Ludwig Chapel Hill, NC
Jeffery Malarney Adrian, MI
Julie Larain Martin Reading, PA
Julia Anne Matthews Norfolk, VA
Rob Williford McCauley § Fayetteville, NC
Helen Suzanne McGraw Pineville, WV
Sonya Campbell McGraw Huntersville, NC
Scott Alan McLaren Houston, TX
Mary Jane Mee Cornwall-on-Hudson, NY
Wendy Lynn Robinson Miele Newport Beach, CA
Lauren Marie Mikulka Long Valley, NJ
Laurel E. Miley Fort Walton Beach, FL
Henry Allen Mitchell III Raleigh, NC
Georgina-Marie Mollick Dobbs Ferry, NY
Mary Livingston Moore Augusta, GA
Thomas Kendall Moore Smithfield, NC
Clayton Doron Morgan § Greensboro, NC
Lee Edward Nelson Winston-Salem, NC
David Freeman Paulson Jr. § Durham, NC
William Glenn Perry Williamston, NC
Troy Andre Peters Columbia, SC

Scott A. Pike Lisbon, OH
Elizabeth N. Porras Winchester, MA
Errol Lawrence Portman Peekskill, NY
John Weskett Powers § Rocky Mount, NC
Brett Justice Preston Charleston, WV
Ann Clark Preuitt Winston-Salem, NC
Matthew Paul Puskarich Cadiz, OH
Valerie Denise Gwynn Quick High Point, NC
Patricia Parker Ridenhour Greensboro, NC
Russell M. Robinson III Greensboro, NC
Max Ramsey Rodden Thomasville, NC
Eric Allen Rogers New Fairfield, CT
Tamara Denise Rorie Charlotte, NC
Lynn Marie Rowe Cleveland, OH
Marchelle Ann Ruderman Bowie, MD
Michael J. Russo Buffalo, NY
David Alan Shelby Salisbury, NC
Jean Carol Smith Winston-Salem, NC
Kimberly A. Smith Pocomoke City, MD
Sylvia Denise Stanley Winston-Salem, NC
Lewis H. Swindell IV Wilson, NC
Philip Max Teague Statesville, NC
Owen Craig Tierney Jr. Raleigh, NC
Elizabeth Margaret Toomes Randleman, NC
Barbara Fritz Tucker Winston-Salem, NC
Timothy Propus Veith Ridgeway, VA
David Pittard Ward Knoxville, TN
Lori DeAnn Watson Toast, NC
Richard W. Wells Greensboro, NC
Charles Gordon White Durham, NC
Mira Staggers White Keyser, WV
William Dunlop White III Winston-Salem, NC
Jeffrey Scott Whittle § Oak Ridge, TN
Heather Leigh Wilcauskas Chester, NJ
Joseph Gwynn Williams III Mechanicsville, MD
Sharon Coull Wilson § Miami Springs, FL
Fred Marshall Wood Jr. § High Point, NC
Scott Fitzgerald Wyatt High Point, NC

Conferred December 18, 1990

John Robert Bennett III Winston-Salem, NC
Charles Henry Gavins Jr. * Wilmington, NC
Laura Tilford Kidwell * Murfreesboro, TN
Jacqueline Toney Stanley Upper Marlboro, MD
Joyce Lind Terres Greensboro, NC
Lisa M. Windfeldt Evergreen, CO

Conferred August 10, 1990

Alvarez Lopez Abernathy * Charlotte, NC
Richard A. Watts * Shreveport, LA

* In Absentia

§ Joint degree Juris Doctor/Master of Business Administration

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SCHEDULE OF OPERATION

SUMMER 1991

SUMMER HOURS OF OPERATION

Monday — Thursday	8:30 a.m. — 10:00 p.m.
Friday	8:30 a.m. — 5:00 p.m.
Saturday	10:00 a.m. — 5:00 p.m.
Sunday	3:00 p.m. — 10:00 p.m.

EXCEPTIONS

Thursday	July	4	CLOSED
Saturday	August	10	10:00 a.m. — 5:00 p.m.
Sunday	August	11	12 NOON — Midnight
Monday	August	12	FALL HOURS BEGIN

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